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A

THIRD LETTER,

Containing some further

REMARKS

On a few more of the numberless Errors and Defects in

Dugdale's BARONAGE:

With Occasional Observations on some other Authors.

Wherein also some Occurrences of those Times are endeavour'd to be set in a true Light.



L O N D O N :

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THIRD LETTER

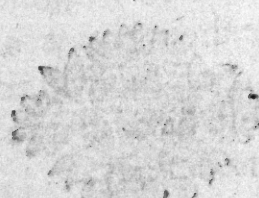
REMARKS

On a few more of the ...
... and ... in

Dugdale's BARONAGE

... on ...

... of ...



... B. O. N. ...

... ...



A THIRD LETTER of Remarks on Part of *Dugdale's Baronage of England.*



E L E, Sir, if I have been thought too severe upon the Writer of the *Baronage*, the best way to support my Charge, may be by additional Proofs; tho' I thought what had been already produced, might have been fully sufficient. However, it is some Comfort that I have no Occasion to ramble far for new Matter, there being yet a large Nosegay to be pick'd of such kind of Flowers, which I had left behind me in my way, as more than necessary.

I shall therefore now go back to *Gilbert* the Second of that Name of the *Clare* Family in *England*, the Person

who was charged with continued Unfaithfulness to King *Stephen*. (a)

He dying without Issue, was succeeded in his Houses and Lands by his younger Brother *Roger*, who married *Maud* Daughter of *James de St. Hillary*. (b) The Account given in the Baronage of this *Roger*, who was Earl of *Hertford*, is very short and imperfect, but pieced out by a long Bead-roll of his Charities, in which, to make the better Appearance, the Author has given him the Honour of one more than belonged to him. He found in the *Monasticon*, (c) that the Canons of *Lanthony* had a Moiety of the Church of *Bernynton* (which I take to be *Berington* in *Gloucestershire*) *ex dono Rogeri Comitis*, and takes this Earl *Roger* to be the Man; but whoever looks into the Place cited, will think it strange that the learned Compiler of that Volume should not know that the Earl *Roger* there mentioned as Benefactor to that Monastery, was *Roger* Earl of *Hereford*, who was the eldest Son of *Milo Fitzwalter*, of whom I have already had Occasion to make Honourable Mention. (d)

Roger of *Clare*, Earl of *Hertford*, who died (as our Author says) Anno 1173.

(a) Lett. 1. fol. 45.

(b) Bar. 1. 211.

(c) Mon. 2. fol. 71.

(d) Fol. 42.

19 *Hen. 2d.*, was succeeded by his eldest Son *Richard*, who married *Amicia* one of the Daughters and Coheiresses of *William* Earl of *Gloucester*, by whom (e) if you will believe our Author " he had " Issue *Gilbert* his Son and Heir, and a " Daughter called *Rose*, who became " the Wife of *Roger de Mowbray*, and " departing this Life in *Anno 1206*, " (8 of King *John*) was buried at *Clare*.

This is all he says of this Earl *Richard*, yet in this short Stage he makes a notorious Trip upon plain Ground; for in Truth this *Richard* had no such Daughter as he mentions. He might have believed *Ralph Brook*, who says truly, that the Daughter of this Gentleman was *Joan*, and was married to *Rhys Grig*, Prince of *Demetia*, or *South-Wales* (f) which is agreeable to *Powel's Welch History*, (g) and that *Rose*, who became the Wife of *Roger de Mowbray*, was not Daughter, but Great Grandaughter of this *Richard* Earl of *Hertford*, which appears not only by the Evidence of *Ralph Brook*, (h) but of our Author himself, who says (i) " That the " Mother of *Roger de Mowbray* for her " Son, and *Mand Countess* of *Gloucester*

(e) *Bar.* 211. (f) *Vincent* 122. (g) *Hist. of Wales*, 279. (h) *Vincent* 221. (i) *Bar.* 666.

“ on the behalf of her Daughter *Rose*,
 “ agreed that Marriage, for the Con-
 “ firmation whereof, when *Roger* should
 “ come to the Age of 15 Years, his Mo-
 “ ther and her new Husband, Sir *Roger*
 “ *le Strange*, enter'd into a Recognizance
 of 1000 *l.* to the Countess of *Gloucester*,
 and *Bogo* (or *Bevis*) her Son, which
Maud, the Mother of *Rose*, was Daugh-
 ter to the Earl of *Lincoln*, and Wife
 to the only *Richard* Earl of *Gloucester*
 of this Family, who was Grandson of
Richard above named, and will require
 a Place in the Sequel of this Letter.

But we must first take Notice of *Rich-*
ard, who succeeded his Father in the
 Earldom of *Hertford*, and came to the
 Earldom of *Gloucester* in Right of his
 Mother. Our Author says, (k) “ That
 “ in *Anno* 11 *Hen.* 3. he gave a Fine of
 “ 2000 Merks for Licence to marry his
 “ eldest Daughter *Amicia* to *Baldwin*
 “ Son of *Baldwin de Rivers*, Son of
 “ *William de Rivers*, Earl of *Devon*.

This gives me Occasion to make a
 short Sally out of my way, to entertain
 you with some Remarks concerning the
 Mother of the younger *Baldwin*, whose
 Marriage was thus purchased.

She was Daughter and Heir of *Warine*
Fitz Gerald, and her Husband *Baldwin*

(k) *Bar.* 211.

dying

dying in the Life-time of his Father, left this only Son; after which K. *John* in the 15th Year of his Reign (she being a rich Widow) obliged her to marry the memorable *Falcaſius* or *Faukes de Brent*, a Perſon much taken notice of by all our Monkish-Chroniclers of thoſe Times, who have been no more able to conceal the Bravery of his Actions than their Spite to his Perſon, for his loyal Services to K. *John* and his Son K. *Hen.* the 3d.

Matthew Paris, and from him our Author *Dugdale*, (l) ſay, he was a *Norman* by his Country, and a Baſtard of mean Extraction by his Birth. (m) *Norden* and ſome others (n) affirm he was born in *Middleſex*, near the River *Brent*, and that his Anceſtors flouriſhed thereabout in former Ages; but whatever was his Extraction, his Services merited Reward, and therefore the King gave him not only the Lady, but the Wardſhip of her Son, during his Minority. (o)

Falcaſius, till the laſt Scenes of his Life, had with equal Courage and Succeſs, exerted his Loyalty on all Occaſions to thoſe two unhappy Princes againſt their Enemies foreign and domeſtick,

(l) *Bar. fol. 743.*

(m) *Norden in Midd.*

(n) *Fuller's Worthies.*

(o) *M. Paris 275. Bar. 743.*

with whom he might perhaps be sometimes more free than welcome. So that he was a kind of *Raw-head* and *Bloody-bones* among them. *Matthew Paris*, through his whole History, discovers such an outrageous Malice against both King *John* and his Successor, that if he was Historiographer to the latter, as it is said, I cannot but think he deserved a Pillory more than a Pension. So that it is no Wonder, if he has out-gone all the rest in Devilizing this gallant Soldier of Fortune; but it seems *Fawkes* lay under his Displeasure on a more particular Account.

When *Lewis*, the *French* Pretender to the Crown of *England*, was here, upon the Invitation of the Rebellious Barons, he had made a Visit to the Town and Abbey of *Saint Alban's* (where *Matthew* was a Monk) and had raised a Contribution of 100 Merks upon the Abbey. Perhaps *Falcassius* might think those Religious had shewn too much Complaisance upon this Occasion; whereupon he soon after, with a strong Party, enters the Town, and forces the Abbey to a Composition of 100 Pounds: And not only so, but he had done the Monks some other Damage, having made a Pond at *Luton* (p) in *Bedfordshire*, by which

(p) *Matthew Paris*, p. 335.

some

some of their Lands there had been overflowed. You know, Sir, all our Monkish Historians are stuffed with Dreams and Visions, Prodigies, and Miracles *ad nauseam*. Not that they believed those ridiculous Stories, themselves; which, I really think they could not commit to Paper, without laughing, but by imposing them on the credulous and ignorant, they were made Supporters of their Usurpations upon the Laity. In these paultry Wares none of them have larger Dealings than the Monk of *Saint Albans*. These Crimes of *Falcaſius*, therefore, must not eſcape without ſome extraordinary Marks of Vengeance. Whereupon *Matthew* tells a hideous Story of a Dream or Viſion of a huge Stone falling like a Thunder-bolt from the Tower of *St. Albans* upon the Head of this impious Man, and grinding him to Powder. This Fable the Monk is ſo fond of, that he repeats it in three ſeveral Places; but for want of the neceſſary Qualification of a good Memory, he falls into ſeveral Diſcordances. (q) In one Place, it was the Biſhop of *Norwich*, who was the Dreamer. (r) In another it was *Falcaſius* himſelf, who was ſo terrified upon it, that by the Advice of his godly Wife, away he run to the Ab-

(q) *Matthew Paris*, *ibid.* (r) *Ibid.* 292. 848.

bey, and exposed his Back to a good Whipping by the Monks, from whose pious Hands he might be sure of a warm Reception; and in other Circumstances the Stories are so silly, and so different, that the Whole may be reasonably concluded to have been only a Dream of the good Brother, and worth no further Notice.

But our diligent Author was of another Opinion; for he has not only taken Pains to insert them all at full length, with all their disagreeing Circumstances, but has added to them another Relation of the same Matter from *Matthew of Westminster*, who not only pick'd up this among the rest of his Flowers out of his Name-sake *Matthew's* Garden, but has improved upon it by an angry Apparition of the Martyr *St. Alban*, (s) which (it seems) frighted poor *Fawkes* out of his Wits.

Whatever Stories the Monks may tell, the Man had thus far behaved in such a Manner, that his Virtues outweighed his Faults, and for his Services he had been loaded with Favours and Rewards by his Royal Master; but whether it was through Pride, too great a Valuation of his own Merits, or Envy at the advanced Fortunes of any other, he turn'd short

(s) *M. W.* 351.

at

at once on all his loyal Courses, and thereby lost and forfeited all his Estate, Reputation, and whatever can be called valuable in this World.

In the Civil Wars, in the later End of the Reign of K. *John*, and the Beginning of *Henry* 3. the Emptiness of the Exchequer, and the Difficulties of the Times, through the Defection of a great Part of the Nobility, had thrown the Custody of the greatest Part of the Castles and fortified Places in the Kingdom, (which were then very numerous) into such Hands as could be best trusted, and several of the great Men had fortified their own Houses, with or without Licences from the Crown. In these Places the Castellans govern'd like petty Kings, as if their Submission and Obedience to the Sovereign were at their own Election. K. *Henry* could not number above 10 or 11 Years of his Age, (too early to have given any great Cause of Offence) and the Earl *Marshall*, Guardian of the King and Kingdom, acted with great Honour and Conduct. He could not but think it time to look about him, and provide for his own Safety, as well as for the King's and the publick Peace of the Kingdom. For these Purposes, the King was advised to call for Surrenders of the Castles into his own Hands; but many of those who had the

the Government of them would not easily part with their Hold. Of this sturdy Sort, were the Earl of *Albemarle* the Earl of *Chester*, our *Fawkes de Brent*, *Robert de Vipont*, *Robert de Gaugi*, and several other Barons. Among these the Earl of *Albemarle* had been entrusted by King *John* in the latter End of his Reign with the Castles of *Rockingham* (in *Northamptonshire*) and *Bibham* in *Lincolnshire* ; (t) to *Faulks de Brent* were committed the Castles of *Oxford*, *Northampton*, *Bedford*, and *Cambridge* ; the District of *Vipont* lay in the North, and *Newark* Castle, belonging to the Bishop of *Lincoln*, being by him resigned into that King's Hands, was put into the Possession of *Robert de Gaugi*.

These Castles they maintained not only by forced Contributions and Plunder of the Country, but by seizing the King's Wards and Escheats, and without question whatever else they could get within their Power. Whether this were not the direct Road to Anarchy and Confusion, I would gladly be resolved by any of the Advocates for the deluding Notions of Liberty ?

To reform those Disorders, *Robert de Gaugi* was the first called upon in a compulsory way ; he had not only held the

(t) *Matthew Paris*, 276.

Castle,

Castle, but possessed himself of the whole Town of *Newark*, and several Appurtenances and Rights belonging to the Bishop of *Lincoln*, to whom he had received several Admonitions from the King to deliver them, which meeting with a deaf Ear, *Robert* was excommunicated for these and his other Rapines; after which the Earl *Marshall* drew an Army together, to reduce this Rebel, who upon the Approach of the royal Forces, burnt the Town, and retired into the Castle, which after eight Days Siege was delivered to the Bishop of *Lincoln*, upon an Agreement for 100 *L.* to be paid by the Bishop for the Provisions. But I do not find any Satisfaction made by *Robert* for the Damage done to the Town; but had the Castle been stormed, and *Robert* hang'd, as *William de Brent* was afterwards (tho' but a Second-hand Sinner) it might not only have saved his Life and his Brother's Estate, but prevented the greatest part of the publick Calamities which ensued.

It was not without reason suspected, that *Gaugi* was encouraged and supported in this Enterprize by the Earl of *Albemarle* and others of that Faction. I am charitably inclined to think, that the Loyalty of *Fawkes* was somewhat longer-winded, because Men of warm
Blood,

Blood, like him, are ill qualified for Hypocrites, and he carried a fair Appearance for some time longer.

As for the Earl of *Albemarle*, he was the next who came upon the Stage in this kind of Warfare. The Siege of *Newark* Castle was in the Year 1218, and in *May* 1219, the Protector Earl *Marshall* died, when the Guardianship of the King's Person was entrusted to *Peter* Bishop of *Winchester*; but a great Part of the publick Affairs fell into the Hands of *Hubert de Burgh*, newly made Justiciary, which created very mischievous Differences between those two Great Men.

At *Whitsuntide* 1220, the King was crowned a second time, which Solemnity was performed at *Westminster* by the Arch-bishop of *Canterbury*, in the Presence of *Pandulfe* the Pope's Legate, and many Bishops, Earls, Barons, Abbots and Priors, without Number; and the next Day the Barons who were present promised upon Oath to resign to the King's Disposal, the Castles and Wards which were in their Hands, and to account for the same at the Exchequer, agreeing that such as refused shou'd be treated as Rebels. (u)

(u) *Annal. de Dunst.*

Soon after, on the 10th of *June*, the King set out for *York* to meet the *Scottish* King, where the Contract was signed the Fifth Day after, for the Marriage of a Sister of King *Henry* to that King, the Earl of *Albemarle* and *Fawkes de Brent* being two of the Great Men, who undertook for the Performance thereof; so that they were still in Favour at least in outward Appearance.

But the King, in his Return, making a kind of Progress, in Hopes to get quiet Possession of some of his Castles, was denied Entrance at that of *Rockingham*; whereupon he summon'd in the Vicinage, who having been plunder'd and oppress'd by the Earl of *Albemarle*, were very willing to shake off his Tyranny. So that the Castle was soon forced to surrender; and in like manner the King possessed himself of the Castle of *Sanney*, or *Sanvey*, in *Bedfordshire*, holden by the same. Before the taking of these Castles, which seems not to have been till *December* (w) he and his Party appointed a Tournament at *Brackley*, to be held on the Fifth of *November*. These Meetings had been sometimes encouraged for the Exercise of Arms, and Trials of Strength and Activity; but this and several others, undertaken by private Authority, were

(w) *Prynne Hen. 3. 379.*

suspected as seditious Assemblies to hatch Treason and Rebellion. For this Reason, one of them had been forbidden in the First Year of this King's Reign, (x) and for the same reason was this Meeting prohibited.

The King had early Notice of the Design; for his Writ to prevent it, was dated (y) the 4th of *July*, threatening Excommunication and Penalties to all those who should assist thereat; but in Defiance of King and Pope, the Earl of *Albemarle* and his Company went on with their Game.

The following Festival of *Christmas*, the King keeping with his Court at *Northampton*, the Earl of *Albemarle* endeavoured, in the Month of *January*, to surprize the Castles of *Newark*, *Larford* or *Slesford*, and *Kimbolton*; but being repulsed, he turn'd suddenly to *Podringhay*, which Castle being slenderly mann'd and provided, he easily took; after which, upon *St. Paul's Day*, at that Cathedral in *London*, he, together with the Earls of *Chester* and *Salisbury*, were solemnly excommunicated by the Legate and several of the Bishops. (z)

After the taking of *Podringhay* Castle, the Earl of *Albemarle* returned to his

(x) *Bar. Angl* 282.

(y) *Prynne* to 3. 52.

(z) *Annal. de Dunst.*

Castle of *Bibam*, which he fortified and provided by Plunder and Rapine upon all the Country round; whereupon, by common Consent, an Army was raised, and marching first to *Fodringhay*, found that Castle deserted, of which *Fawkes de Brent* took Possession. (a) So that he was a Commander in that Expedition, altho' suspected to be a Favourer of the Earl, whose Castle of *Bibam* was next besieged, which was surrendered at Discretion the 8th of *February*, the Garrison all remaining Prisoners, except the Earl who had escaped to *Fountains Abbey*, from whence he was brought to the King by some of the Northern Barons, to implore the Royal Mercy, which was too graciously extended to them all.

This Year the Castles of *Marlborough*, *Corfe* (in *Dorsetshire*) and *Windsor*, were surrendered to the Use of the King, who, in his Journey to *York*, to celebrate the Nuptials of his Sister with the King of *Scots*, according to his Contract, went round by *Oxford* and *Northampton*, the Castles there being held by Substitutes under *Fawkes de Brent*, and afterwards to *Nottingham*, from which Places he did not remove the Governours, but put in sufficient Forces of his own to curb their Garrisons.

(a) *Annal. de Dunst.*

In the next Year was the Rebellious Riot in *London*, headed by *Constantine Fitz-Arnulph*, in which the loud repeated Bellowings were *Mountjoy, Mountjoy*, (which was the *French King's Word of Battle*) and *God help us, and our Lord Lewis*. The Pretence was to revenge some Assaults upon some of the Citizens by the Abbot of *Westminster's* Steward and his Assistants at a Wrestling Match there; but their Meaning was sufficiently declared. *Serlo* the Mayor, and the wiser Citizens, advised a Complaint, and a Demand of Satisfaction from the Abbot; but that was not sufficient. *Constantine* and his Mob went armed in a hostile manner to *Westminster*, where they demolish'd and plunder'd the Houses of the Abbot and his Steward, and afterwards, when the Abbot went to Lord *Philip D'Aubeni*, to get a Complaint preferred of these Injuries, the Mob surrounded the House, carried off the Abbot's Horses, beat and abused his Servants, and he himself privately slipping out at a back Door, and getting into a Boat, was pelted with Showers of Stones; so that it was with much Difficulty he escaped. (b)

The Noise of these Disorders coming to the Justiciary, he went with a Guard into the *Tower*, whither he summoned

(b) *Annal. de Dunst.*

the

the Mayor and some of the principal Citizens, of whom Inquiry was made, who were the Ring-leaders of this Sedition? Upon which Inquisition, *Constantine* and his Nephew, and one who acted as a Herald in his Proclamation, were taken, and being charged, *Constantine* arrogantly told the Justiciary, that they had done nothing but their Duty, and ought to have done more. After which open Avowry, the Trials could not take up much Time. So that these three were ordered for Execution the next Morning, when *Fawkes de Brent* carried the Prisoners by Water to the Place of Execution, where they were quietly hang'd, altho' *Constantine* finding no other Hopes, offered Ten Thousand Pounds for a Pardon, which shew'd no Dishonesty in *Fawkes*. (c)

After this, *Fawkes* attended the Justiciary into the City, to apprehend some others of the Rioters, several of whom were taken and severely punished, and the King appointed a Governour over the City, which was obliged to find Securities, and Commute, by the Payment of a large Fine.

Thus far however *Fawkes* might be suspected, I cannot perceive any good Ground for an Accusation; but soon after

(c) *M. Paris*, 315.

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this,

this, the brittle Temper of his Loyalty and Fidelity, became sufficiently apparent.

The King continued firm in the Demands of his Castles and Wards; and I am apt to think, the chief Reason of his being declared by the Pope of full Age, when his Years were about Seventeen, was the better to enable him to take them into his Hands and Disposal, which those who refused to surrender, were to be thereto compell'd by Ecclesiastical Censures.

This heated the mutinous Barons, who instead of giving up their Trusts, conspired to put themselves in Arms, and disturb the publick Peace, to maintain themselves in their unjust Acquisitions. And in the first Place, the Earls of *Albemarle* and *Chester*, with *Brian de L'Isle*, *Fawkes de Brent*, and others of the same Gang, endeavour'd to surprize the City of *London*; but being disappointed, they retired to *Waltham*. (d)

Yet after this open Breach, the Archbishop of *Canterbury*, and others, who were for healing up the Wound, sent Messages of Peace to them, desiring them to come and be reconciled to the King, to whom they unanimously pretended they had no Designs against him; but

(d) *Annal. de Dunst.*

that

that the Justiciary must by all means be removed from the Administration; who hearing this, laid the whole Blame upon the Bishop of *Winchester*, called him a Traitor to his King and Country, and charged him as the Author of all the Ills in the Reigns of this King and his Father. To which the Bishop not being behind-hand in his Returns, threatned, that if it cost him all he had, he would remove the Justiciary, and murmuring left the Presence, with the rest of his Accomplices. (e)

The King kept his next *Christmas* at *Northampton*, with great State and Solemnity, where the Mutineers intended to have been; but upon the King's Preparations there, they turned off to *Leicester*, where they Puff'd and Swell'd against both the King and the Justiciary. The Arch-Bishop of *Canterbury*, and many of his Suffragans, being with the King, they excommunicated in-general Terms all Disturbers of the King and Kingdom; after which they sent Notice to the Earl of *Chester* and his Accomplices, that unless they resigned the next Day into the King's Hands all their Castles and Royalties, they should all be excommunicated by Name, according to the Pope's Commands. Whereupon, out

(e) *Annal. de Dunst.*

of Fear of the Kings Forces, and the Censures of the Church, the Earl of *Chester*, and several others came in, and made their Submission and Surrenders. (f)

Yet tho' they had received the King's Mercy, and been restored to his Favour, (g) they could not return to their Duty; they wanted only Strength to put their ill Designs in Execution, in Order to which they applied for Assistance from abroad.

Philip, the *French* King, surnamed the *August*, died about the middle of *July* 1223, and was succeeded by his Son *Lewis* the 8th, to whom King *Henry* sent Ambassadors to Demand his foreign Dominions which had been usurp'd by King *Philip*, and which *Lewis*, by his Treaty near *London*, had promised to restore, as it was said, but it does not so appear by the Copies of those Articles. (h) This Restitution was not only denied, but *Lewis* threatned, that when he thought proper, he would endeavour to regain *England*, which had been given him by the Barons. (i)

The Truce between *England* and *France* expiring in the Year 1224, it was feared the *French* King would make some

(f) *Tyrrel* fol. 2. 849. (g) *Prynne Edw.* 1. 61. *Annal. de Dunst* (h) *Tyrrell Tom.* 2. 834. & *App.* 23. (i) *Ibid.* 848. *Prynne ubi supra.*

Attempts beyond Sea, against which King *Henry* made the best Preparations he could: But by these Discords at home, he could not in Person go over with Safety, nor send a proper Assistance. So that *Lewis* made an easy Conquest of a great part of *Poitou*, and of *Rochel* it self, which was the Key of that Province.

This Invasion was justly suspected to be encouraged by our mutinous Barons, and soon after it was not only discovered, but publickly own'd by *Lewis*, that they had entred into Agreements with him, and bound themselves by Hostages and Writings, to put this Country into his Possession, which was thought no difficult Undertaking, by reason of these intestine Divisions, and the King's Youth and Necessities. (k)

Fawkes de Brent, who still retained some of his Castles, was the Man who opened this new Scene of Rebellion here, for which he laid hold of the following Occasion. The Judges Itinerant holding their Assize at *Dunstable*, several Verdicts were found against *Fawkes*, upon Actions of *Novel Disseisin*; the Historians say Thirty, or more; but the King who might know best, makes them amount but to Sixteen. (l) However, more

(k) *Prynne Ibid.*

(l) *Prynne Ibid.* 58.

or less, *Fawkes* hereupon sent a Party to seize the Judges, who upon this Intelligence, provided for their Safety, by Flight: But *Henry de Braybroke*, one of them, was taken and put into the Castle of *Bedford*, where he was very hardly used.

The King sending Messengers to summon the Garrison to surrender the Castle, a bold Answer was return'd, that they were not obliged to deliver it, unless commanded by their Lord, because they own'd no Homage or Fealty to the King.

A Parliament then sitting at *Northampton*, all who had any Sparks of Loyalty in their Breasts were fired at this undutiful Behaviour, the Relief of *Poitron* was postponed, the King being obliged for his own and the publick Safety, to employ his Arms nearer home; and this was the Service these worthy Patriots did their Country.

The taking of the Castle was unanimously resolved; but first the Spiritual Artillery of Excommunication was play'd against *Fawkes* and all his Adherents; and the Castle after an obstinate Defence during a Siege of Nine Weeks, was obliged to surrender at Discretion, the 14th of *August*. After which, Sir *William de Brent*, Brother to *Fawkes*, and several others, were hang'd up the next Morning,
for

for a Terror to such evil Doers. *Patekes* himself had withdrawn into *Wales* and *Cheshire*. He had had the Custody of the County and Honour of *Glamorgan*. *Llewellyn*, Prince of *North-Wales*, had married his Daughter (which must be by a former Wife) the Earl of *Chester* was his Confederate, and a close Friend to *Llewellyn*. He had therefore some Ground to hope in those Parts to raise Forces to relieve the besieged; but there he was again excommunicated by the Bishops of *Coventry* and *Exeter*, which defeated those Hopes; (m) for it was thought a Mortal Sin to have any Communication with an excommunicated Person. So that he was the more easily persuaded by the Bishop of *Coventry*, who made a Journey to him on that Purpose, (n) to surrender himself to the King, by whom he was Committed to the Custody of *Eustace* Bishop of *London*.

The Lion being now in the Toils, the next Question was what do with him. He had angered both his new and old Friends, and, which was worst, the Clergy were his Enemies. But there were two Reasons which pleaded for his Life: First, his former Services; the other because he was one of the Pope's

(m) *Prynne Edw.* 1. 60. (n) *Ibid.*

listed Tools, having according to the frantic Mode of those Ages, undertaken the *Crusado*, and wearing his Badge of the Cross, and thereby being under his Protection.

But it was thought safe not only to pare his Claws, but to strip off his Skin, and between the Temporal and Spiritual Power, he was forced by the Terrors of Excommunication, and Fear of Death, to Sign an Instrument with all Humility and Repentance, to surrender to the King's Pleasure his Castles of *Plympton* and *Stoke-Curcy* and deliver upon Oath all his Plate and Money, Gold and Silver, Arms and Horses in *England*, or elsewhere, of which he had no more left in the World to his Knowledge; (o) which Instrument was dated the Day after *St. Bartholemew* 1724, within 11 Days after the taking of *Bedford* Castle. Before which all his Lands and Effects had been seized as far as could be discovered; so that he was reduced to the lowest Extremities of Indigence and Necessity.

His Appeal to the Pope was to be expected; but what could be done, where nothing could ever be done without Money? But further, to forestal his Market in that Court, Sir *Godfrey de*

(o) *Rymer* 1. 273.

Graucombe, and *Stephen de Lucy* were in *December* following sent thither as the King's Proctors. (p)

In *March* 1225, by Advice of Parliament, (q) he was banished the Kingdom, being conducted by Earl *Warren* to the Sea-side, where, at taking Leave, he sent his Duty to the King, laying all the blame on the Incitements he had received from the Great-Men, who served him as such Men generally do their Confederates, at the Approach of Danger. For the Earls of *Albemarle* and *Chester*, with the Bishop of *Winchester*, and others of their Faction, followed the King's Camp, but were so much suspected, that they were not much trusted. (r)

Fawkes proceeded on his Journey to *Rome*, intending to pass thro' *France*. *Mathew Paris* on this Occasion tells another sad Story, that as he was returning into *England* in the Year 1226, he was poison'd at *St. Cyriac* in *France*. And in this, as in most other things, he is followed by his Name-sake of *Westminster*. (s) But the *St. Albans* Monk is dismally circumstantial in his Catastrophe.

" He says, he was poisoned in a Fish
" Supper; that he was found dead in
" his Bed, black and stinking, dying

(p) *Prynne Edw.* 1. 61.

(q) *Math. Paris.*

(r) *Annal. de Dunst.*

(s) *M. W. Anno* 1226.

" with-

“without the Salutary *Viaticum*, and
 “intestate (alas! then Holy Church
 “got nothing by him) that as he died
 “without Honour, he was buried with-
 “out Decency, thus making a horrid
 “End of a wicked Life. (1)

Yet I am apt to believe all this tragical Story is as mere a Dream as the Stone at St. *Albans*, as will soon appear. But first let us hear what Mr. *Norroy Dugdale* has to offer upon this Subject, who having very laboriously rummaged over great Numbers of Charters, Records and other valuable Pieces of Antiquity, has among the rest met with *Fawkes's* Deed of Surrender and Submission; but mistaking the Date, for *Bartholomew-Day* 1228, which is Four Years all but a Day, later than it was made, he concludes that *Fawkes* was then at *London*, and thereupon charges the Historians with a great Mistake as to the Time of his Banishment and Departure; and that soon after this (as it seems) he departed; and having by large Gifts (when he had nothing left in the World) dispatched his Work at *Rome*, made speed to come again into *England*, but in his Journey back he departed this Life at St. *Cyriac*, (2)

(1) *M. Paris* 336.

(2) *Bar.* 745.

This last Scene he borrows from *Matthew Paris*; but as he had given a Specimen of his Care and Exactness in the Date of the Surrender, he was here willing to make a Proof of his Candour, that the Mistake might be imputed to a little Neglect. Therefore to make his Historian agree with his Record, he quotes him in his Margin *Anno 1228*; whereas *Matthew* finishes his Course in *Anno 1226*, which wilful Forgery will require a large Share of good Nature to excuse.

Had he been so kind as to let us know how he had provided for the Criminal during four Years, from the time of his Rebellion, to the Date of his Surrender, and by what Conveyance, Art and Assistance, he was enabled to go to *Rome*, finish his Work, and get back as far as *St. Cyriac*, in 2 or 3 Months, his Criticism upon the Historians might have stood in a better Light.

But I shall pass by all this, and charitably attend poor *Fawkes* in his Exile (whose Steps, without question, being narrowly watched) he was, upon his landing, seized at *Fescampe* in *Normandy*, and detained in Prison at *Compeigne* by Order of the *French King*, who could not have forgot the Battle of *Lincoln*, and other good Turns *Fawkes* had done him in *England*. He remained a Prisoner till

till he was released by the Pope's Order. The Annalist of *Dunstable* says at *Easter* (x) which must be about a Year after his taking Leave of *England*. For by a Letter from K. *Henry's* Proctors, in the latter end of the Year 1225, (y) it appears, he then remain'd in Custody: So that he could not present himself to his Holiness till the Year 1226, when we find a Speech of his to the Pope (at that time *Honorius* the 3d) " grievously complaining against the King's Justices " and the Bishops of the whole Land. " That from the unjust Sentence of the " Arch-bishop of *Canterbury* and the rest " of the Bishops had followed the Loss " of his Goods and Chattels, the Murder " of his Brother, Relations, and Servants, the Ruin of his Character and " Reputation, the Plundering of his " Wife and Son, the Detention of his " Goods and Estates; and lastly, his unjust Exile from the Land which had " been defended by him. He therefore " supplicated his Holiness, that to him, " as to his Servant, in Honour of the " Cross, and in regard of his Devotion " to the Church of *Rome*, he would " procure such Justice to be done for " him, as might manifest his Adherence " to the Faith, and deter such unjust

(x) *Annal. de Dunst.* (y) *Prynne Ed.* 1. 61.

“ Prelates, as having cast off their Re-
 “ verence to the Holy See, made Laws
 “ according to their own Will, turning
 “ truth into Falshood, and Light into
 “ Darknefs. Upon all which he implor’d
 “ the good Offices of his Holiness, that
 “ his ruined Condition might be repair-
 “ ed. (z)

Mr. *Tyrrell*, in his History, has inserted
 from *Waller de Coggeshall*, a longer Apo-
 logy and Petition upon these Subjects (a)
 which might be at another Audience, or
 deliver’d in Writing. But *Fawkes* could
 not launch the Vessel, for want of some-
 thing to greafe the Stocks, and set her
 loose: The Popes pretending to be Pro-
 tectors, not only of the Persons, but of
 the Fortunes of their Regiments which
 marched under the Banner of the Cross;
 and every thing they could get into their
 Clutches of that Nature, they were sure
 to take care of. But alas! here could be
 no such Expectations, and fair Weather
 was to be kept in *England*, not to hinder
 their plentiful Harvests from thence. Nor
 were the King’s Proctors idle in their
 Sollicitations. However, the Holy Father
 wrote a trifling Letter to K. *Henry* in
March 1225, complimenting the Pro-
 ctors, admonishing the King to Moderation,
 Mildness, and equal Carriage to his Vas-

(z) *Sparkes’s Hist.* 102, 103. (a) *Tyrrell.*

fals, acquainting him withal, that he had granted some of his Requests, and suspended others by the Advice of his Brethren.

(b)

But to do something more for his poor Servant, he sent a Letter to his Legate in *France* (c) to intercede with the *French* King, that *Falcasius* might peaceably remain in that Realm during his Occasions there (which seems intended to give time for a Mediation in *England*) to which end the Nuncio, Master *Otto*, had Instructions, to intercede with King *Henry* the 3d; to whom likewise many of the Cardinals wrote in the Behalf of the Petitioner. But after all this, the poor Man found his Business was not half done. For as he was returning homewards thro' *Burgundy*, he unluckily fell into the Hands of one *Anselm de Dinne* a Knight of that Country, who had been taken Prisoner in *England* by *Fawkes*, and forc'd to pay a good Ransom; for Reprisal whereof he took this Opportunity (probably upon Information from the *English* Agents) to turn the Tables, and detain his late Keeper. (d)

Upon this Accident *Fawkes* was obliged to send the Pope's Letter to his Legate at the Court of *France*; but this being

(b) *Rymer* 1. 276.

(c) *Prynne Edw.* 1. 130.

(d) *Prynne Ibid.*

discover'd by the *English* Proctors, who that Year were *de Lucy*, as before, and *Stephen de Eketon* or by *Paul Saracenus*, a Citizen of *Rome*; who was for many Years King *Henry's* Spy, and his Annual Pensioner (e) for which he was a ready Assistant to the Proctors. They who dreaded his Return to *England*, tamper'd not only with the Legate, to obstruct the Effect of the Papal Intercession with the *French* King, and with Master *Otto*, to delay his Voyage to *England*; but with the *Burgundian* Knight, to prevent his Enlargement, as it appears by their Letter to K. *Henry*, sent as I take it, about *Aug. 1226*, (f) which is well worth reading, as it gives some Light into those dark Intrigues.

However, the Journey of Master *Otto* was not thereby long delay'd. The learned Author says, " That he humbly
 " besought the King to restore unto
 " *Margaret* the Wife of this banished
 " Person, all his Lands, and to receive
 " him again with Favour, in regard he
 " had so faithfully served in the Wars,
 " both of him and his Father. " Where-
 as the Request of *Otto* was, that upon
 these Considerations he would be reconciled to *Falcasius*, and make him entire

(e) *Madd. Firma Burgi*, 170. *Exchequer* 180.

(f) *Prynne Edw.* 1. 131.

Restitution of his Wife and Lands, and all his lost Goods. *Uxorem cum terris & omnibus rebus amissis ad integrum restitueret*, are the Words of his Author, (g) to which I should be glad to see the *Dugdalian* Translation well reconciled.

The King, as he had been advised by his Proctors, (h) shifted off the Matter for further Delay to his Parliament. The Wife perhaps might not be very fond of the Proposal: For she had before desired a Divorce (the Marriage being made, as she said, against her Will) and she had been restored to her Dower from her said first Husband. (i) Nor was Master *Otto* very warm in his Request, which he press'd no further, but applied himself with more Diligence to his main Business of plundering and squeezing the Country.

How or when *Fawkes* obtained his Liberty, I know not. *Lewis* the 8th died in the 4th Year of his Reign, about the 10th of *November* 1226, not above 3 Months after the *English* Proctors sent this Letter; and Pope *Honorius* the Third went the same way, the 18th of *March* following. The young King of *France* being a Minor, the settling a

(g) *Matthew Paris*, 325.

(h) *Prynne* *ibid.* 132.

(i) *Bar.* 256.

Regency met with Difficulties, and at Rome the Election of a new Pope requir'd some time. So that these Accidents, the Delays consequently attending, and the new Interest on these Changes, might cross *Fawkes* in his Negotiations, more especially in his necessitous Circumstances. But as he had no other Prospect of Hope, he made another Journey to Rome (k) to renew his Suit to the new Pope Gregory the 9th, who in the Year 1229, sent a supplicatory and minatory Letter to the King, exhorting and entreating him " That *Falcasius* might be restored to all he had lost, *tam in Mobilibus* " *quàm Immobilebus, exceptis mortuis* : " For that if he had imprudently offend- " ed, his former great Merits ought to " obtain his Pardon, or at least mitigate " his Punishment." Which Expostulation had come very unseasonably, if *Fawkes* had made his dreadful Exit, either in the Year 1226, according to M. *Paris*, or in 1228, as by our ingenuous Author he is wilfully misrecited.

In this last Year his Necessities and his Wife's Unkindness, had but him upon a Prosecution against her abroad, for Stay whereof we find a Letter of K. *Hen.* 3d, (l) grounded upon his Forfeiture and Surrender; and that he had no Effects to

(k) *Annal. de Dunst.*(l) *Rymer* 1. 298.

contest, which probably put an End to the Suit. But there are no Footsteps of him in *England* in that Year, or ever afterwards.

By this time it appears, that *Fawkes* found it no easy Matter to dispatch his Work at *Rome*, where he obtained only these Intercessions, which cost them no more than a Bishop's Blessing. The Venality of that Court, with the Man's Poverty; the Resentments and Apprehensions of the King and his Ministry, and the Disregard, and more than Indifference of his Wife, made his Difficulties insuperable. What became of him afterwards, and when or where he died, are unknown to me. 'Tis probable he might end his Days in *France*, waiting the Event of the last Letter from *Rome*. It is sure he did not long survive; for in 1230, his Widow *Margaret* paid 200 *L.* Fine to the King, to compound for her Expences towards his Expedition to *Brittany*, for Liberty to receive Scutage of her Tenants, and not be compell'd to marry so long as she had a mind to live Single: Or if she were inclined to marry again, to be free — to take her own Choice. (m) By which it seems as if she was then a new-fallen Widow.

(m) *Madd. Exchequer*, 459.

Afflictions being often too heavy to be supported by the stoutest Hearts, it is not not strange, if he was crushed by the Weight of his Misfortunes, by which he still remains a terrible Example of Disloyalty and Ingratitude.

But I cannot leave him, without some Notice of another Blunder about him in the *Baronage*. (n) We are told there, that the storming of *Bedford Castle*, and hanging the Governour and others, so much enraged *Fawkes*, that taking Advantage of some Discontents, he encouraged the *French* to make an Invasion here, vilified the King, &c. for which he quotes *M. Paris*, 320, and *M. Westminster* in *Anno 1224*; where you may pore your Eyes out, before you find any such thing. But you may spare the Search, for you may easily believe, that neither of these Authors could be so silly, as to take an Effect for a Cause, or to say that a later Incident could occasion a former. And you have seen too much of his impotent Condition, after the Taking of *Bedford*, to think there could be any Fear of him then.

I doubt, Sir, you are run quite out of Breath in the long Pursuit of poor *Fal-casius* to his latter End; but if you sit down to consider, you will find some

(n) *Bar.* 744, 745.

Difficulty to decide, whether our Author's Accuracy and Candour in making Quotations, or his Judgment in Criticism, has the best Title to your Applause : But let not that take too much of your Time, till you look farther.

Margaret Fitzgerald, the Wife of *Falcasius*, long survived him. Our Historians date her Death *Anno* 1252, (a) to which the *Baronagiam* agrees. (p) But soon after, in the same Column, perhaps his Head being full of the Dream, he forgets himself, miraculously raises her from the dead, and giving her a new Lease of 40 Years, a new Husband, one *Robert*, or *William Aguillon* (q) if he is right in either, and a Daughter *Isabel* by that third Husband ; he proves her Death to be in the 20th of K. *Ed.* the First, by two Records, (r) by which he says it is evident, that she lived to a very great Age ; and so she must indeed if this were true ; for from her Marriage with *Falcasius*, to the 20th of *Ed.* is pretty near 80 Years, and she had a Son by *Baldwin* her first Husband, which Son was afterwards Earl of *Devon*.

All the Biases of my Inclination for the Credit of Record against History, where they happen to clash, cannot make

(a) *Bar.* 256. b. (p) *Ibid.* (q) *Ibid.* & 709. a.
(r) *Ibid.* *Ibid.*

me believe, that the Lady lived so long. I am confident, if I had the Inspection of these Records, I should find another Person in her place. *Dugdale* himself says, (s) that *Aguillon's* Countess held her Dower from *Baldwin* sometime Earl of *Devon*, her Husband; but our *Margaret* was never Countess of *Devon*, her Husband *Baldwin* dying before his Father: Whereas his Son and Grandson, both of the same Christian Name, were successively Earls of *Devon*, and both dead many Years before the Date of those Records. The Wife of the former of these was *Amicia*, eldest Daughter to the First *Gilbert* Earl of *Gloucester*, pursuant to his Purchase; (t) and the Son of *Amicia*, who was born *Anno* 1235, married a Kinswoman of Queen *Eliana*, and died young in the Year 1262. (u) *Dugdale* says he was poison'd, for which he calls two Witnesses; but they both unhappily fail him, and say nothing to the Fact. (x) But with him ended the male Line of his Family. For my own part, I had rather believe, that the Records concerned the Wife of one of these, or was otherwise mistaken by the learned Compiler of the *Baronage*, than that an old Woman should die, and afterwards

(s) *Bar.* 256. (t) *Bar.* 256. b (u) *Ibid.* 257. a.
(x) *M. Westm. & Ann. de Dunst.*

revive, and live 40 Years longer. And would it not be almost as great a Miracle, that the good Lady should be blest with so long a Duration of a Prolific Capacity, as to bear a Son to her first Husband, and almost 60 Years after his Death, should make a third Choice, and produce Fruit to that Bed.

By the way, I know not how our Author will acquit himself to *Isabel* the Daughter of *Aguillon* and the Countess of *Devon*; for if what he says be true, that *Aguillon* married that Lady in the 53d of *Hen. 3. Anno 1269*, (y) and that *Isabel*, at the Death of her Father (14 *Ed. 1. Anno 1286*) was 28 Years of Age, she must be born *Anno 1258*, which is 11 Years before the Marriage of her Father and Mother.

But passing by such small Slips, let me recommend our Author for a curious *Nos-trum* to preserve old Women without the Help of embalming. We have seen his Art and Skill in one Instance; but *Margaret de Ripariis* is not the only Wonder we can produce of that kind. *Maud*, the Daughter of *Simon de St. Lis*, has been no less obliged to him. She was first married to *Robert*, the Fifth Son of the eldest *Richard Fitzgilbert*, and Progeni-

tor of the noble Family of *Fitzwalter* (z) whom he hath also incestuously married to

Sister of *Maud* her Mother (a) after whose Death she had a second Husband, *William Albini Brito*. (b) In one Place he says, she died *Anno 1140, 5th Steph.* (c) and in another, that she was living, and 60 Years of Age 32 of *Hen. 2.* (d) about 45 Years after, and about 50 Years from the Death of her first Husband, by whom she had two Sons. But as old as she was then, if the Record did not compliment her out of some of her Years, both these Sons must be born before she was Ten Years of Age. Therefore, as her Years must have been still more advanced, I must believe the Record referr'd to, means some younger Woman. This is certain, that both the Accounts can hardly be true, unless she could be alive and dead at the same time.

I hope, Sir, you will pardon Digressions; for in this Attempt I am obliged to shift to all Points of the Compass, still keeping the *Baronagian* for my Center. I shall now return to *Gilbert* the first Earl of *Gloucester*, and *Hertford*. Our Author says (e) " that in the " same Year in which he purchased the " Licence of Marriage for his eldest

(z) *Bar. 218.* (a) *Ibid. 56. a.* (b) *Ibid. 113.*
 (c) *Bar. 218.* (d) *Ibid. 113. b.* (e) *Ibid. 211. b.*
 " Daugh-

“ Daughter, he joined with divers other
 “ of the Barons, on the behalf of *Rich-*
 “ *ard* Earl of *Cornwal*, from whom the
 “ King had injuriously taken the Castle
 “ of *Berkhamsted*, as also in that mina-
 “ tory Message which they then sent to
 “ the King, for ratifying his Charter
 “ sealed to them at *Oxford*.

This was not a very grateful Return
 to the King's late Favour. But this blind
 Story only disguising a remarkable Piece
 of History, which we owe entirely to
Matthew Paris, and is not mentioned
 by any other of our old Historians, or
 Annalists, which I have seen, nor set in
 a true Light since that time, I beg your
 Acceptance of the clearest Account I can
 give of the Matter, as it appears to me.

The Contests between K. *John* and his
 Barons, and the manner in which the
Great Charter, and Charter of the
 Forests had been obtained, are very pub-
 lick in all our Histories of those Times;
 which Charters being look'd upon as ex-
 torted by Compulsion, and declared void
 by the Pope, were not much observed in
 the short Remainder of that Reign.

But, after the Death of King *John*,
William Mareschal, Earl of *Pembroke*,
 who was deservedly chosen Guardian of
 his Successor and his Kingdom, hoping to
 appease the Barons, and reconcile them
 to

to the young King, in his first Year procured a Confirmation of these Charters (f) which were again renewed in the Second Year of that Reign, bearing Date at *St. Paul's* the Second Day of *November* in that Year; (g) yet after this, K. *Henry* 3d was again importuned by the Arch-Bishop of *Canterbury*, and other Great Men, in the 7th Year of his Reign, for a Confirmation of their Liberties and free Customs; whereupon they were told by *William de Briwere* (one of the King's Counsellors) that the Liberties they desired were violently extorted, and ought not to be observed. To which the Arch-Bishop replied, that if he truly loved the King, he would not hinder the Peace of the Kingdom. The King taking notice of this Emotion, to quiet their Minds, assured them, that as he had sworn to maintain their Liberties, his Oath should be observed. (h)

But it not being well known, either by him or them, what it was they wanted to be at, Writs were issued to the Sheriffs of the several Counties to enquire upon the Oaths of Twelve Men, what were the Liberties of *England* in the time of K. *John*, according to *M. Paris*; (i) but, in truth, the Writs were to en-

(f) *Tyrrell Tom.* 2. 828.
(b) *Matthew Westm. Anno* 1223.

(g) *Ibid.* 1104.
(i) *M. Paris.*

quire

quire what Liberties and Customs King *John* had at the breaking out of the War with his Barons (*k*) which was not unnecessary, there being as much Reason to inquire into the Rights of the Crown, as of the People, both which may be easily settled, if the Bounds of either is well known.

In the Year 1225, a Parliament was assembled at *Westminster*, where they were informed by *Hubert de Burgo*, the Justiciary, of the Injuries and Damages the King had sustained in his Foreign Dominions, whereby he and several of the Barons were outed of their Possessions. That as the Loss was general, the Aid ought to be proportionable; for which a Subsidy of a 15th from Clergy and Laity was proposed; which altho' there were so many Sufferers, could not be obtained without another Confirmation of the Charters. So that new Charters of Liberties were sent into all the several Counties, and to those wherein any of the King's Forests lay, were also sent Charters concerning the Liberties of the Forests.

In pursuance of the Charters of the Forests, the Wardens were sent into those Counties to summon Juries of

(*k*) *Brady App. N. 149.*

Knights or Freemen, to walk the Bounds of the Forests, and to set out upon Oath, which were the old Forests, and which were made since the Beginning of the Reign of K. *Hen. 2d*, and were agreed to be disforested. These Writs were executed, but not without Disturbance, every one using the Liberties as they pleased; they made *Affarts*, by cutting down the Woods, hunted the Deer, plowed up the untill'd Lands, let their Dogs run without Lawing, and disposed of the disforested Lands at their Pleasure. So that they did not lose a Tittle of the Charters. (*k*)

Afterwards the King convening a Council, or Parliament at *Oxford*, in *February 1227*, was declared at Age, and shaking off his Pedagogue the Bishop of *Winchester*, took the Reins of Government into his own Hands, and in the same Council, all the late Charters of the Forests were ordered to be cancell'd and vacated (for which, as you have seen there were sufficient Provocations) and having, been granted when the King was under Age, and not Master of his Seal or himself. Therefore, as they had been usurped without Reason (it was alledged) they ought not in Reason to be of any Force. (*l*)

(*k*) *M. Paris* 324. (*l*) *Ibid.* 336.

Eachard and *Tyrrel* say, he made void all his Charters of Liberties and Forests; by which little Change of the Particle *of* for *and*, they would charge the King with breaking through the Great Charter; but the Words of the old Historian are only *de libertatibus Forestæ*, nor does it appear that the Great Charter was in any manner aimed at.

But if it be consider'd, how these Forest Charters had been obtained, and how abused; that they were the Price of an Aid to recover these Dominions beyond Sea, which tho' of so general a Concern, were lost, not only by the Negligence, but Treachery and Disloyalty of those who made it their Business to weaken the Crown, which it was their Duty to have supported: Was it any Crime, by the same Power of Parliament, when the King came at Age, to free himself from those Shackles, which most probably had been put upon him in his Minority, by the Management of his untrusty Guardian the Bishop of *Winchester*?

Soon after this, there was another Incident which irritated many of the great ones no less than this of the Charters, tho' they might not think it decent to make the same clamorous Use of it, which,

which to go back to the Spring-head was as follows.

During the two first Years of this King's Reign, there was no Great Seal, but all Charters and Grants went under the Seal of the Lord *Marshall*, the Protector, who was forced to oblige many Men of Power and Interest, and many Ecclesiastics, by beneficial Grants, and purchase uncertain Services at certain Rates, which Grants cou'd not be of any longer Duration than the King's Minority.

In the Third Year of his Reign, a Great Seal was made, and the first Wax squeezed under it, was to a Charter or Act passed by the Common Council or Parliament, witnessed by the Pope's Legate, the two Arch-Bishops, and about Fifty other Bishops, Earls, Barons, and Abbots, that no Letters Patent of Confirmation, Alienation, Sale or Grant, in Perpetuity, should be Sealed with the Great Seal, before the King should come at Age; and if any such Charters or Letters Patent should be made, they were to be accounted void. (*m*)

The King was of an easy beneficent Nature: Courtiers are always craving, and Church-men never fail to get what

(*m*) *Madd, Exchequer, 46. App. to Brady.*

they

they can, either by Fraud or Force: So that this was not only a prudent, but a necessary Act to preserve the Revenues of the Crown from being dissipated and squander'd. But notwithstanding this Precaution, several such Grants were made, which might have been resumed at the King's coming to Age; but the Grantees were admitted to compound by the Payment of proportionable Fines, which, tho' a Favour, was no small Crime in the King and his Minister, because it brought some Relief to the King's Occasions.

In the Midst of these Discontents, in the Month of *May*, (n) *Richard* the King's Brother comes over from *Gascoigny*. He was then about 18 Years of Age; and the Heat of his youthful Blood and natural Constitution being elated by some military Successes abroad, which render'd him the Darling of the Soldiers, made him a more easy Dupe to the Crafty Courtiers.

His Brother the King had bestowed upon him many Marks of his Affection, (o) having among other Favours given him, in the beginning of his Reign, the Honours of *Wallingford* and *Eye*, to which, before his going into *Gascoigny*,

(n) *M. P.* 337. *M. W. An.* 1227. (o) *Bar.* 762.

which

which was about two Years before this (as soon as the King, could get a Supply to put an Army in Motion) were added the Earldom of *Poictou*, (p) and the Custody or Shrievalty of the County of *Cornwal*, (q) of which County, as a Continuance of his Grace and Bounty, the King, with great Solemnity, created him Earl very soon after his Return, (r) on *Whitsunday* the Third of *June*.

All these Obligations were so far from binding the Earl to Gratitude or Duty, that from this last Honour he immediately took a Handle to work up a Rebellion, and fly in the Face of his Brother and Benefactor.

Matthew Paris says, that King *John* had given a certain Manor to *Waleran Teutonicus* then Castellan of *Berkhamsted* which Manor belonged to the Earldom of *Cornwal*. (s) The learned Author of the *Baronage* expounds *Teutonicus* by the Surname of *Ties*, and Sir *H. Chauncey*, who frequently grafts his own Mistakes upon those of other Men, improves upon him, and gives the Name of *Ties* to the Manor; (t) but where the Manor of *Ties* is to be found, he has not informed us. But by whatever

(p) *Matth. Paris*, 323.

(q) *Bar.* 761.

(r) *Annal. de Waverley*, &c.

(s) *M. Paris*,

fol. 337. (t) *Antiq. Hertford.* 573.

Name the Manor was called, the new Earl of *Cornwal* was told (by some who thought the more Mischief the better Sport) that it belonged to that Earldom: Whereupon, without any Application to the King, or taking any legal Course to recover what he might fancy to be his Right, he like a young Man undertakes to be his own Carver, and makes an illegal forcible Entry, commanding the Manor to be seized, till *Waleran* shou'd make out his Title.

Waleran thus outed, made his Complaint to the King, who resenting this Injury to his Servant, Affront to his Father as well as himself, and Contempt of his Laws, sent an Order to his Brother to restore the Place to *Waleran*: But the Earl, instead of obeying the Order, went hastily to the King, endeavouring to vindicate his Right, which he referred to the King's Court and the Peers of the Realm (many of whom were in Truth *Criminis Socii*.) The King could not think this very respectful; and having Right and Reason to expect the Cause shou'd be put into the same Situation in which it was before the illegal seizure, he with some warmth commanded his Brother to make immediate Restitution, or leave the Kingdom. But the other, with the Assurance of one who knew what he had to depend on, refused
either

either to restore the Place, or to depart the Realm without the Judgment of his Peers, and upon these Words abruptly went away to his own House.

After such insolent Behaviour, the King certainly shew'd too much Goodness, or too little Resolution, in allowing him that Liberty, and not seizing him upon the Spot, to prevent further Mischief, and reduce him to a better Understanding. But good Men are not apt to entertain ill Suspicions; so that probably the King could not imagine how deep the Plot was laid. It was said (which with *M. Paris*, *Burnet*, and some others, is a common Salve for a Lie) that afterwards he was advised to seize the Earl that Night in his Bed; a Method too dark to give any Lustre either to the King's Wisdom, Justice, or Power. And had any such Resolution been taken, it had probably succeeded like After-Wit. For the Earl stole privately in the Night from his own House to *Reading*, from whence he went to *Marlborough* to the E. of *Pembroke* his sworn Confederate, (as *Matthew* calls him.) Be pleased to know, Sir, that this sworn Confederate of Earl *Richard*, was Son of the Great Lord *Marshall*, late Guardian of the Kingdom, who was the last honest Man of his Family. This was *William*,

the eldest of 5 Sons, all unlike their Fathers and all childless. This had been one of the rebellious Pack in the time of K. *John*, and his Conversion was purchased in the Infancy of the next Reign, by the forfeited Estates of four Great Noblemen. It was not much above a Year before this he had privately married *Elianor*, the King's Sister, for which he was not only forgiven, but entrusted with the Castles of *Cardigan* and *Carmarthen*; yet forthwith pretended a Voyage to *St. Andero* in *Spain*, pursuant to a Vow which he soon forgot, and alter'd his Course intending for *Ireland*. Whereupon the King wrote him a Letter free from all Acrimony, but not without some Marks of Jealousy, desiring his Return to Court; or if he could not come, to surrender the two Castles. The Event of this I know not; but this good Confederate attended Earl *Richard* to the Earl of *Chester*, of whose Behaviour and Excommunication some Notice has been already taken; and when this Triumvirate were met, the Earl of *Cornwal* sent Circular Letters summoning his Friends, or rather Enemies of the Government. They joined at *Stamford*, where besides the Earls of *Pembroke* and *Chester*, were the Earl of *Gloucester*, *William E. Warren*, *Henry* (as *M. Paris* calls him, but it

it shou'd be) *Humfrey E. of Hereford*, *William E. Ferrars*, and *William*, or rather *Henry E. of Warwick*; most of whom had been loaded with Favours from the Crown, and yet had given open Proofs of an ungrateful Disaffection; and besides these Earls, there was a great number of Barons, *omnes conjurati* (as the Historian says) all sworn Confederates, and a numerous Army of their Followers. (u)

This was in *July*, within two Months or thereabout, after the E. of *Cornwal's* Arrival in *England*) and from hence they sent a Rebellious Declaration to the King, that he should forthwith repair this Injury to his Brother (of which they laid all the Blame upon the Justiciary) and that he should without " Delay
" restore the Forest Charters sealed,
" which he had lately cancell'd at *Ox-*
" *ford*, or otherwise they would com-
" pel him by the Sword to make them
" competent Satisfaction. (x)

Upon this sudden Rupture, the King not being so well prepared for his Defence, as the Conspirators were on the Offensive, warded the Blow by a Treaty, appointing them a Meeting on the 11th of *August*; when to draw his Brother from his pernicious Confederacy, he pacified him by some large Grants of his

(u) *M. Paris*, 337.(x) *Idem Ibid.*

Mother's Jointure, among which was the Manor of *Berkhamsted*, and the *English* Estates of the Earls of *Britain* and *Bologne*, whereby he being bought off, his Confederates thought fit to separate, without one Word more of the Charters, as I can find.

But when Kings are forced to buy their Peace from their Rebellious Subjects, they have always an ill Bargain; because they seldom or never enjoy the Benefit of their Purchase. The Flames of War seem'd for the present appeased, but the King's Weakness was hereby discovered, which gave Encouragement to turbulent Spirits: So that the Discontents which lay for some time smothering, like latent Fires, were easily blown by seditious Breaths into new Flames, which not only ruined the Chief Minister, but miserably scorched the King and Kingdom, and reduced several Noble Families to Ashes.

In this Historical Sketch, I have copied the Drawing of my Original, but have taken some Liberties in the Colouring. My Author, and after him, the whole Herd of modern Historians, seem to approve these Proceedings of Earl *Richard* and his Confederates; whereas I cannot avoid thinking them all guilty of a groundless unnatural Rebellion.

To

To form any tolerable Judgment of these Facts, we must make some Retrospection into the Matter of Right. The last Earl of *Cornwal* before Earl *Richard*, was *Reginald*, a natural Son of K. *Hen.* 1st, who dying in the Year 1175, in the Time of K. *Hen.* 2d, without lawful Male Issue, that King retain'd the Earldom in his own Hands, for the use of his Son *John*, to whom the County of *Cornwal*, among other large Gifts, was afterwards granted by his Brother K. *Richard* 1st, (y) but I do not find he was invested with the Earldom. However he coming afterwards to the Crown, both the Earldom and County, with their Revenues, were thereby immersed.

I must confess therefore my own Blindness, that I cannot perceive what could legally hinder King *John* from disposing of any Part of these Revenues or Possessions at his Pleasure. He had a legal Power to appoint a Castellan at *Berkhamsted*, and he had as legal a Power to make any Grant out of any other Parcel of the Earldom. *Waleran* for his Services might be deservedly favoured; And as the Exigency of K. *John*'s Affairs obliged him as well to bribe his Enemies, as to secure his Friends, in this manner, he about the same Time, or soon after, in

(y) *Saundford.*

the last Year of his Reign, granted the County of *Cornwal* to *Henry*, a natural Son of Earl *Reginald* (z) who therefore went by the name of *Henry Fitz Count*. After the Death of King *John*, to fasten this *Henry Fitz-Count* to the Interest of the young King, he had, in the first Year of K. *Hen.* 3d, (a) a new Grant or Confirmation of the same County, in a very ample Form; but tho' he shew'd too much Inclination to play the Earl, by illegally assuming several disallowable Prerogatives (b) it does not appear, that he gave any Disturbance to the Castellan of *Berkhamsted*; yet, for his presumptuous Behaviour, he was about 3 Years afterwards obliged to surrender to the Crown the County of *Cornwal*, together with the Castle of *Launceston* in the same County. (c)

How the County, or the Custody or Shrievalty of it was about Five Years after granted by that King to his Brother, we have seen; but then, or afterwards, when he was invested with the Earldom, can any one say he could be legally intitled to any more than what was left in the Crown, after any prior Grants, even if any such Grants were only during Pleasure, until they were in lawful manner revoked and determined.

(z) *Bar.* 610. (a) *Ibid.* 611. (b) *Prynne* 3.41.
(c) *Bar. ubi supra.* But

But after all this Bustle, we have not yet found the Manor which was granted to *Waleran*, if it was the Manor of *Berkhamsted*, tho' that and the Earldom of *Cornwal* had been together in the Possession of the Earl of *Morton*, and afterwards of K. *John*; yet neither in his Reign, nor in many Years afterwards, was it united to the Earldom, or made a Member of it.

This Manor was Part of the Jointure of Q. *Isabel*, the Consort of K. *John*, in the 7th Year of whose Reign it was held by *Jeffrey Fitz-Piers* at 100 L. per Ann. and in the Year 1222, (d) about 5 Years before *Richard* was made Earl of *Cornwal*, it was in the Custody of *Richard de Ripariis*, by whom it was surrendered, and Livery was granted of this Manor among the rest of the Jointure of Q. *Isabel*, to the Use of her and her Second Husband the Earl of *March*. (e) So that it was never granted to *Waleran*, and I doubt it will not be easy to find in that County any other Manor which was ever Parcel of the Earldom or Duchy of *Cornwal*.

After the Manor of *Berkhamsted* was obtained by Earl *Richard* by this successful Sally of Rebellion, he chose it for a Seat. His first Wife *Isabel*, Countess of

(d) *Bar. Angl.* 88. (e) *Rymer* 1. 253.

Gloucester, and afterwards he himself, died there. (f) It was settled in Jointure upon his second Wife, *Senchia* of *Provence*, (g) tho' he had Heirs Male by the Countess of *Gloucester*. So that it was not then inseparable from the Earldom of *Cornwal*. It was afterwards enjoyed by his Son *Edmund*, on whose Death without Heirs, it reverted to the Crown. And in the Eleventh Year of K. *Edward* 3d, was settled on the eldest Sons of the Crown of *England*, and is at this Day Parcel of their Duchy of *Cornwal*, which was then erected.

It seems strange to me, that in all this Dispute our learned *Norroy* has never thought of the Manor of *Flamsted*, (h) which he tells us was granted in the 18th of K. *John* to *Waleran Teyes*, towards the Maintenance of the Castle of *Berkhamsted*. As we find no other Manor granted to *Waleran*, we may have room to believe this to be the Manor seized by Earl *Richard*; but *Flamsted* never had any Relation to the Earldom of *Cornwal*. It was the Seat of *Ralph de Tony*, who was in Rebellion against K. *John*, and might have been an uneasy Neighbour to the Castellan of *Berkhamsted*. It was therefore seized and disposed of, as above: So that the Pretensions of

(f) *Chauncey*, 574, 575. (g) *Ibid*. (h) *Bar*. 470.

Earl *Richard* seem wholly groundless; but if Right had been on his Side, nay, had his Seizure been legal, how could he have escaped the Stain of Ingratitude and Imprudence? The surprising Suddenness of the Explosion proves that the Mine was ready charged, and only wanted his Hand to fire the Train. And for him to suffer himself to be seduced into such unwarrantable Measures against a kind Brother, and a gracious Sovereign, and to be made the Tool of a Party composed of such as had been Enemies both to his Father and Brother, was a Part so rash and weak, so ungrateful, unnatural, and traitorous, as will admit of no Excuse, but his Youth and Inexperience.

This Piece of History having been handled by the misapplauded *Rapin*, whom I look upon as one of the most dangerous pernicious Writers that ever dipp'd his Pen in our *English* History, I shall present you with his Relation of the Fact. He says (i) that K. *John* having given to one *Waleran* a German, “ a certain Manor belonging to the
“ Earldom of *Cornwal*, *Richard*, as soon
“ as he was invested with that Earldom,
“ order'd *Waleran* to appear and produce
“ his Title, and in the mean time order-
“ ed the Manor to be seized. Whether

(i) *Rapin*.

Wale-

“ *Waleran* had lost his Charter, or
 “ whether he thought it not good, he
 “ refused to obey the Summons. On the
 “ contrary, as if great Injustice had
 “ been done him, he carried his Com-
 “ plaint to the King, who without ex-
 “ amining the Affair, sent Orders to the
 “ Prince’s Officers to restore the Manor.
 “ They found Means however to put it
 “ off till the Return of their Master.
 “ Upon his Arrival, *Richard* represented
 “ to the King, that he had done *Wale-*
 “ *ran* no Wrong in obliging him to shew
 “ his Title; that his Intent was not to
 “ deprive him of his Lands, by Force,
 “ but to have the Matter decided by
 “ the Laws; and to that End offer’d to
 “ refer it to the Judgment of the Peers
 “ of the Realm.

I shall go no further with his *cook’d-up*
 Story, because it is all of a Piece, a conti-
 nued wilful Misrepresentation, to throw
 all the Blame upon the King, and vindicate
 that unnatural Rebellion. There
 is a wide Difference between this Ro-
 mancer, and the Author of the *Baronage*.
 One blunders on, and means no harm,
 when he leads his Followers into the
 Dirt, but the sly *Monsieur* dresses up his
 Relations, not according to the Truth
 of History, but his own partial Imagi-
 nation, or what he would impose upon
 his

his Readers, thus seducing them into Pits and Holes maliciously dug for the purpose.

Besides *M. Paris*, there is not one of the old Historians who takes any notice of this Transaction, which being in it self and Consequences very remarkable, I can give no Reason for their Silence, unless they were ashamed of it, and willing to bury it in Oblivion. As that Monk is the only Voucher, all that is varied from him; or added to him, must be mere Invention. Such is the pretended Summons before the Seizure: Such are the imaginary Reasons why *Waleran* did not produce his Title: Such is the Story of the Order to the Prince's Officers, and their Address in putting it off till the Return of their Master; as also his apologetic Excuses on his pretended Arrival; all which are groundless Fictions, invented to daub and disguise the Truth by false Colours. He says truly, that this Seizure was not made till after *Richard* was invested with the Earldom, which was but the 3d of *June*, and the Quarrel between him and his Royal Brother was on the 9th of *July*, which must be subsequent to the Seizure. What time could he have to settle his Officers, or to keep his Courts? What time could *Waleran* have to produce his Title, which was only
proper

proper in the King's Court? Or had the Earl been vested with legal Authority, how could *Waleran* be guilty of any Defaults or Contempts to justify the Seizure, which, without question, being unlawful, *Waleran* had good Reason for his Complaint to the King? Nor did a Fact proved, acknowledged, and justified, require any long Examination, notwithstanding the *Monsieur's* Objection upon that Point.

By a transient Comparison, it will appear to an indifferent Eye, how he has travestied his Author, and many more such Instances of his Ingenuity might be produced, his whole Work being daubed over with such Tinsel Embroidery to dazzle the Eye of his unwary Readers. I wish some good Hand, in Justice to Truth, and the World, would pick it out, and expose it as it deserves, to which honest and useful Undertaking my Years and Infirmities will now afford little more than good Wishes.

Now let us see how miserably this Story is hack'd and hewed by the *Baronagian*, which he has repeated in all his Articles but one, relating to the several Earls named to be concerned in it, and all different, as if he thought Variety preferable to Truth.

The

The ejected Person, to follow his several Varieties, was *Waleran Teutonicus* a *Fleming*, aliàs *Walter Ties*, aliàs *Waleran Teutonic*, i. e. *Teyes*. But in the Cause of the Dispute he entertains you with much more Variety.

He first tells us, that King *John* (f) had given away the Manor of *Berkhamsted* which was not so, tho' *Waleran* had the Custody of the Castle.

In one Place, the Quarrel between the King and his Brother was about a Manor belonging to the Earldom which the King had given away, whilst *Richard* was beyond Sea (g) in another, the Manor had been injuriously taken by the King, and given to *Walter Ties*. (h) In the next place, the King took away the Castle of *Berkhamsted*, by reason of a Dispute between him and the E. of *Cornwal*. (i) In another, the Difference was touching a certain Lordship belonging to the Earldom, and given by King *Hen. 3d* to *Waleran Teutonicus* i. e. *Teyes*. (k) But in the Article of the *Clare* Family, as we have already seen *Gilbert*, Earl of *Gloucester* is said not only to have joined with the Barons on the behalf of the Earl of *Cornwal*, from whom the King had injuriously taken the Castle of *Berk-*

(f) *Bar.* 44.(g) *Ibid.* 77.(h) *Ibid.* 180.(i) *Ibid.* 261.(k) *Ibid.* 603.

hamsted,

hamsted, but also in the minatory Message to the King for ratifying his Charter (not cancelled) but sealed to them at *Oxford*. (1)

Are not these Discordances somewhat strange? But is it not wonderfully unlucky, that none of them should hit the Truth? Yet so it happens; for it does not appear, that King *John* had given away the Manor of *Berkhamsted*; that King *Henry* the 3d gave any Manor or Lordship belonging to the Earldom of *Cornwal* to *Waleran Tentonius*, or any other Person, whilst Earl *Richard* was beyond Sea, or at any other time. Neither did the King take the Castle of *Berkhamsted* from his Brother by reason of any Dispute between them, or for any other Reason, all the Dispute being upon the Seizure made by the Earl of some Manor from the King's Tenant, to whom it had been granted by K. *John*, and having never been in the Possession of his Son K. *Hen.* 3d. Now, Sir, is it not hard upon poor *Matthew Paris*, that he must be called upon, like a common Knight of the Post, to vouch all these false contradictory Stories. But in the minatory Message before-mentioned, the learned *Baronagian* has out-done himself. Would not any Boy,

(1) *Bar.* 211.

who

who had ever sat upon a Form in a Grammar-School, have known the Difference between *Sigillaverat* and *Cancellaverat*, or between Sealing one Charter, and Cancelling a great Number.

But how, in the Name of Goodness, came it into the learned Cranium of this Author, to give the Surname of *Ties* or *Teyes* to the *German Waleran*? You may, in his Second Volume, (m) meet with a Family of the Name of *Ties*, and another surnamed *Teyes*, but no such Person as *Waleran* is to be met with there. I take him to have been one of those Foreigners who were called in by K. *John* in the latter End of his Reign, when (to the Shame of the *English* Nation be it spoken) he could not trust to his own Subjects. By him he was appointed Governour of the Castle of *Berkhamsted*, which after his Death was by *Waleran* gallantly defended for K. *Hen.* 3d against the *French* Pretender, till he had Commands from his Master to surrender; and after *Lewis* left the Kingdom, he was re-instated in his Command, in which he continued till the Dispute between King *Hen.* 3d and his Brother.

Altho' he might then be obliged again to yield up his Castle, he still continued

to merit the King's Favour. He seems, after this, to have been employed on the Marches of *Wales*, where martial Spirits were requisite to curb the Attempts of that turbulent People. In the Year 1241, he was left in those Parts by the King, to build Castles, and fortify the most indefensible Parts of the Country; (n) the Year before he was trusted with the Custody of the Temporalities of the Bishoprick of *Landaffe*, which continued about Four Years vacant, of which he rendered a just Account in the Exchequer; (o) he was also rewarded with the Castle and Barony of *Kilpec* in *Herefordshire*. (p)

The Time of his Death is unknown to me, but he left two Sons, *Robert* and *William*, and a Daughter, *Alice*. *Robert* the Eldest Son, not only succeeded in the Barony of *Kilpec*, but inherited the Loyalty of his Father, and was no less intrusted and rewarded. *William* married one of the Daughters of *Hugh Kilpec*; of him I have met with nothing memorable. *Alice* the Daughter was married to *Alan Plugenet*, who had a Son *Alan*, upon whom his Uncle, *Robert Waleran*, in his Life-time, settled the Barony of *Kilpec*, and other Estates, (q) to the

(n) *M. P.* 571.(o) *Prynne E. I.* 414.(p) *Bird's Treatise of Nobility.*(q) *Bar.* 671. a.

Disheirison of *Robert Waleran*, Son of his Brother *William*, and right Heir to his Uncle *Robert*. And thus ended the Family of *Waleran* the *German*, without any Relation to the Manor or Family of *Ties*, as far as can be discover'd by any one but the *Baronagian* only.

And now to return once more to *Gilbert E. of Gloucester*, he died in the Year 1229, in *Brittany*, where he attended the King in a fruitless sickly Campaign, leaving his eldest Son *Richard* an Infant about 7 or 8 Years of Age, of whom we are told by the Author of the *Baronage*, (r) that " In the 21st of *K. Hen. 3.* the King granted the Benefit of his Marriage to *John de Lacy*, E. of *Lincoln*, for the behoof of his eldest Daughter; in Consideration whereof that Earl gave the King 5000 Merks, and acquitted to him a Debt of 2000 Merks more. " But in his Article of *Laci* (s) he says, that for this Grant he promised 5000 Merks, whereof the King acquitted to him 2000. Our learned Antiquary here shews himself a very bad Auditor; for this makes a Difference only of 4000 Merks in the Fines to be paid, which are both vouched by one Record. (t) I dare believe the Record was not double-

(r) *Bar.* 211. b. (s) *Ibid.* 102. b. (t) *Pat.* 21. H. 3. m. 1.

tongu'd; but I think you may as easily bring the Poles of the Globe together, as reconcile these opposite Accounts. However, not to leave them wholly in Confusion, I think the last in Order here, but the first in the *Baronage*, is nearest the Truth, because 3000 Merks was the Sum charged in the Great Roll of the Exchequer for this Debt upon this Earl of *Lincoln*. *

Our Author says further, in the Place last cited “ Whereupon he, *i. e. Richard* Earl of *Gloucester*, married her, her Name being *Maud*, which Marriage being consummated by the King, without the Consent of the Baronage, raised high Discontents in *Richard* Earl of *Clare* the Father of the same *Richard*, and likewise in most of the *English* Nobles. (u)

Here are three Blunders in less than Five Lines; for first, altho' the King sold the Marriage, I hope he did not consummate it. I dare engage the young Earl was very willing to excuse him that Trouble. 2dly, The Name of the Father of this Earl was *Gilbert*, not *Richard*, not E. of *Clare*, but E. of *Gloucester*. And 3dly, The Father of the Bridegroom (whatever his Name had been) was then quiet in his Grave, as our Au-

(u) *Bar.* 102.

* *Madd. Exchequer*, 223.

thor must have thought, if Thought had not been absent ; for had the Father been then living, the Son could not have been thus disposed of.

But whence should these Mistakes arise? Why when you hear, it will still remain a Wonder. His Author, *M. Westminster*, says thus (x) *Rex sine consilio Baronagii maritavit Ricardum de Clare filium Comitis Gloverniæ Matildæ filie Comitis Lincoln. Unde maxima succrevit indignatio Ricardi Comitis, & fere omnium Magnatum.*

This *Ricardus Comes*, the Author of the *Baronage* makes E. of *Clare*, and Father to the young Gentleman, without any Thoughts of what is objected above, or of what himself tells us within 15 Lines preceding ; one of his Bargains between the King and the E. of *Lincoln* (y) “ that *Isabel* the Mother of this “ Bridegroom, surviving her Husband, “ (*Gilbert* Earl of *Gloucester*) within the “ Space of one Year after his Decease, “ took to Husband *Richard* E. of *Cornwal* (the Person lately so often mentioned) ” he might have observed, that this Earl was generally called *Comes Ricardus*, by way of Preheminence, without any local Addition, altho’ the way of naming Earls by their Christian

(x) *M. Westm. An. 1238.* (y) *Bar. 211.*

Names, with only the Addition of *Comes*, was then left off. This Earl *Richard*, Father-in-Law to the new-married young Nobleman, was, and no other could be the Person intended by the Historian. I doubt your Wonder is not much abated. What pity it is, that the Province of this Doughty Northerly King of Arms, was not removed farther towards that Point, and extended from the South Part of *Lapland* to the Northern Pole.

“ After this, ere long (says our Author)
 “ in *Anno* 1240, upon the 10th Calends
 “ of *June*, this Earl (of *Gloucester*) took
 “ Leave of his Friends, and begun his
 “ Journey towards the Holy Land.”
 How came he so sure of the Day? Why
 because Earl *Warren* died that Day.
 His Author, *M. Westminster* says (2)
 thus: *Obiit Will. Comes Warreniæ, Lon-*
don. 10. Cal. Junii. Where the Sentence
 has a Period. Then follows, according to
 his manner, *Comes Gloverniæ Ricardus*
valedicens amicis suis ad iter Hierosoly-
mitanum se accingit, & cum eo multi
Nobiles Angliæ.

All that I can infer from this Sentence is, that about that time some *English* Noblemen were preparing for a Journey to the *Holy Land*. I am willing to believe, for the Credit of *M. Westminster*,

(2) *M. Westm. An. 1240.*

that

that the Word *Glovernie* is an Interpolation of some ignorant Copyist. If you compare this *Westminster* Monk with his Guide and Namesake of St. *Alban's*, (z) I believe you will soon be of the same Opinion, and will find, that whatever is said by him or the *Baronagian*, concerning the honourable Reception in *France*, and other Passages on that Peregrination, relate to E. *Richard* of *Cornwal*, who went to *Dover* in order to take Shipping, between *Ascension-Day* and *Pentecost* (a) which must be near about the 10th Calends of *June*.

Whether his Son-in-Law the Earl of *Gloucester* accompanied him, or not, is a Question, for, I think, had it been so, he would have been named by *M. Paris*, or at least would have deserved a Place in the Margin of the Manuscript of that History, (b) where almost a Score were named of less Note: Nor can I find that he was under any Vow to that purpose, or ever took any other Cross upon him than that of Marriage, which was not above three Years before: And it is to be hoped he was not so soon weary of that, as to leave his Lady in the Straw, or ready to lye down (his eldest Daughter being born about that Time (c) and

(z) *M. Paris*, 356.
far. in pag. 536. M. P.

(a) *Ibid.*

(b) *Adver-*

(c) *Vincent*, 222.

when the poor Lady must also have been under a great Concern for her Father, who then lay languishing of a Distemper which ended his Days soon after. (d) Moreover, the E. of *Gloucester* is said to have founded his Priory of *Tunbridge* in the next ensuing Year, 1241 (e) which was before the Return of the E. of *Cornwal*; all which being consider'd, I am apt think some prudent and tender Regards might detain him nearer home.

It may be noted, that the E. of *Lincoln* who purchased the Marriage of this Earl, had been one of the mutinous Lords, and had newly deserted them, (f) which made the King more willing to oblige him; but might be the true Cause of the Indignation of his old Confederates at the Marriage, and perhaps the E. of *Cornwal*, who had no Aversion to Money, might have hoped to finger a good Number of *Deniers* upon such a Bargain. But from a Passage in the *Baronage* one would imagine the Displeasure of these Great Persons was rather at the Settlement than the Marriage; for it is said there, (g) “ the King married him (the E. of *Gloucester*) to *Maud* Daughter of the E. of *Lincoln*; whereupon he endowed her with a third Part of all his Lands, which occasioned a great Discontent

(d) *Vin.* 222. (e) *Weav.* 342. (f) *Bar.* 102. (g) *Ib.* 212.
“ from

“ from most of the Nobles. But this is
 “ only a kind of *Dugdalism*.

I should have told you in my last, that for the Performance of this Agreement, the King broke the clandestine Marriage, or Contract there mentioned between this Earl of *Gloucester* and *Margaret* or *Magotta* Daughter of *Hubert de Burgo*. I hope, for the Sake of the young Lady, it went no further than a Contract, tho she might be ripe for Consummation; for notwithstanding she was born of *Hubert's* 4th Wife *Margaret*, Sister to the *Scottish* King, she might possibly have had the Maturation of 14 or 15 Summers, when her careful Mother was making so good a Provision for her.

But here I am bewilder'd in such a Labyrinth, that I can neither go forwards nor turn to the Right or Left, without encountering new Difficulties. I was innocently going to enquire after this Daughter of *Hubert de Burgo*, for which I trudge to the House of that Great Man, where I find he had four Wives. 1st, *Joan* Daughter of *William de Vernon*, Earl of *Devon* (already mentioned under the Name of *William de Redvers*) Widow, as he says, of *William de Briwere* (b) which I afterwards find to be *William* the younger.) 2dly, *Bea-*

(b) Bar. 699.

trix,

trix, Daughter of *William Warrin* of *Wirmgay*, and Widow of *Dodo Bardolfe*. 3dly, *Isabel*, one of the Daughters of *William E. of Gloucester*, and Widow of *Geffery de Mandevill*, having been first repudiated by K. *John*. And 4thly, *Margaret* Daughter to *William K. of Scotland*. But some say he had a Wife before any of these, *Margaret* Daughter of *Ro. Arsic*. (i)

The First of these Ladies *Hubert* married in the first Year of K. *John*, Anno 1199, which is proved by a Record of that Year, the same which had been formerly produced by *Vincent* (k) of an Agreement between *William de Vernon*, E. of *Devon*, and *Hubert de Burgo*, the King's Chamberlain, upon his Marriage with *Joan*, the younger Daughter of the Earl.

The Authority of this seem'd incontestable; whereupon thinking my self safe thus far, I jogg on to pay a Visit to *William de Briwere* (l) and there I hear, that he married the same Lady, and died in the Year 1232, 16 *Hen.* 3. I thought this was odd Work, to marry a Woman to a Second Husband Two or Three and Thirty Years before the first was dead. After this I return to *Hubert de Burgo*, and meet with two of his Sons, said to

(i) *Mills and Brook*. (k) *Vincent*, 154. (l) *Bar.* 702. b.

be born of the 4th Wife, *Margaret (m)* to whom he was married in a publick manner in the Year 1221. And soon after, I have the Pleasure of seeing one of these Striplings girt with the Belt of Knighthood on *Whitsunday*, 13 H. 3. A. 1229. At which time, if he was born before his Sister *Mag*, he might, without any reflection upon the Honour of his Mother, be full Seven Years old. I thought it was great pity he came into the World about so many Years too soon, to match the forward Spark mentioned in my last. (n) It would certainly have been a pretty Diversion to our grave Author, to have seen such a Pair of diminutive Champions tilting at each other upon Hobby-horses.

I am not ignorant, that the Honour of Knighthood was sometimes conferr'd on Persons under Age. It was not uncommon about the Age of 15 or 16 Years; but such Knighthood supplied the want of Years, and determined Nonage. Sometimes, as an extraordinary Mark of Honour, this Complement was more early made. Thus we find *Henry Fitz-Empress*, afterward K. *Hen. 2d*, was Knighted at *Carlisle* by his Mother's Uncle, *David K. of Scotland*, about the Age of 13 Years; (o) and about the same Age,

(m) Bar. 700.
Westm. 1148.

(n) Fol. 50.

(o) Matt.

Alexander, Brother to *Hubert's Scottish* Lady (afterwards *K. Alexander* the 2d of *Scotland*) was Knighted by our King *John*, Anno 1212, (p) these young Cavaliers being supposed sufficiently qualified. But if there was any Truth in the Story, which Judge *Thirning*, in the time of *Hen. 4.* had heard (q) of a frolicksome Lord who dubb'd an Infant at the Font of Baptism, I do not think this Piece of Mirth had any Precedent, or was drawn into Example, or that any such Knights of the Cradle were ever made by any Crowned Head.

But I must further observe, That two Grand-daughters of this Baby *Chevalier*, (r) were married, and a third under a Vow of Cælibacy in the 8th Year of *K. Ed. 1.* Anno 1280, which was not 60 Years from the Marriage of his supposed Mother : I do not say this was impossible, but it must require early Work for three successive Descents, unless it was true, that *Hubert* was too familiar with Lady *Margaret* before Marriage, (s) which I had rather pass by as one of the Calumnies too commonly thrown upon Great Men in Disgrace; but even in that Case, the Years of the Lady would not have allowed much more Scope.

(p) *M. Westm.* (q) *Seld. Tit. of Hon.* 642.
(r) *Bar.* 700. a. (s) *M. P.* 377. 515.

Our *Baronagian* gives the Sons of *Hubert* to the *Scottish* Princess, upon the Credit of a Record *Anno 44 Hen. 3d*, (t) which falls in with the Year 1259, in which Year she died. (u) *Dugdale* says, that by this Record *John de Burgh* is found Heir to an Estate of hers; but admitting it was so, this Record, if such an one was, may, like many others of the same Nature, deserve a *melius inquirendum*. Juries are often partial, often misled, and imposed upon. It may likewise be observed, that after *Hubert* had surrender'd to K. *Hen. 3d*, in the 24th Year of his Reign, many of his Castles and Estates, (x) the King agreed, that the Residue should be enjoyed by him and *Margaret* his Wife, during their Lives and the Life of the Survivor, without any Entail upon Heirs of their Bodies, which looks as if no such were then existing; by which Grant and a Remainder of some prior Title, some of *Hubert's* Lands might descend to *John* as his Heir after the Death of his surviving Relict, altho' *John* and his Brother might issue from the Bed of *Margaret Arsic*, or *Beatrix de Warren*, on whom it is said *Hubert* begot Sons and Daughters, (y) or of *Joan de Vernon*.

(t) *Esc. N. 10.* (u) *M. Westm.* (x) *Bar. 699. b.*
(y) *Vincent, 279.*

I must confess, all this is only circumstantial; but there are yet more positive Proofs, that these Sons of *Hubert* did not proceed from the *Scottish* Princess; for in the 53 and 54th of K. *Hen.* 3d, *Alexander* the 3d K. of *Scotland* brought a Writ of *Mortdancer* against *John de Burgo* for the Manor of *Westlye*, which that King claimed (z) as Heir to his Aunt, which he could not have been, had *John* been her Son.

It is moreover to be strongly presumed, that had any Heirs of the Body of *Margaret* survived, at the time of the great Competition for the Crown of *Scotland*, (whereof you shall soon have a short Relation) they would then have appeared, having a stronger Claim than any of the Pretenders, *Margaret* being eldest daughter to King *William*; whereas the Titles of *Bruce* and *Baliol*, which were much the strongest at that time produced, were under two Daughters of *David* Earl of *Huntington*, younger Brother of *William*; and this is admitted in the Petition of *Baliol*, (a) but it is there expressly alledged, that neither *Margaret* nor her Daughter *Magotta*, left any Issue.

Yet there was at that time living an Heir of *John de Burgh*. We have al-

(z) *Prynne Parl. Writs*, to 1391. *Edw.* 1. 516.

(a) *Prynne*

ready taken notice of his two married Grand-daughters, whereof *Hawise* who bore her Mother's Name, and seems to have been the eldest, was married to *Robert de Greilly* and *Devorgill*, the other, to *Robert Fitz-walter*. (b) This latter left only a Daughter: (c) But *Hawise* had a Son, *Thomas de Greilly*, who was living at the time of the Great Trial, and was in the 34th of *Edward* 1st, made Knight of the *Bath*, with Prince *Edward* and others; and had he been descended from Lady *Margaret*, his Claim would hardly have been omitted.

This Genealogical Cloud is, I hope, quite dispell'd, and I am no less positive, that *Joan de Vernon*, the first Wife of *Hubert* or the Second (if *Mills* and *Brook* were not mistaken, (d) who say his first was *Margaret Arsic*) could not be the Widow of *William de Briwere*, either Father or Son, notwithstanding what we are told in a Monkish Chronicle of the Founders of *Ford Abbey*, (e) that *Joan* the eldest Daughter of *William de Vernon* was Wife to *William Briwere*. Whereas, in truth, the elder Daughter was named *Mary*, and was married to *Robert Courtney* (f) from whom descended a Race of Earls of *Devon*.

(b) Bar. 700. (c) Ibid. 608 (d) *Mills and Br. in the Earls of Kent.* (e) *Mon* 1. 790. (f) *Vinc.* 154.

This Blunder of the Monk was no Diminution of his Credit with our good-natured Author, who scorned to take notice of Trifles ; and therefore to reconcile the Chronicle to the before-cited Record of the 1st of K. *John*, he marries the Daughter *Joan* first to *William Briwere*, and after his Death to *Hubert de Burgo*, not only in spite of his own Vouchers, but of all the Credit of Publick History ; by which it indisputably appears, that the elder *Briwere* acted in a publick Character during several Years in the Reign of K. *Hen. 3.* and after *Hubert de Burgo* had married his 4th Wife, not dying, even according to our Author till the 11th Year of that King, (g) the Son *William* surviving about 5 or 6 Years after. Is it not therefore more likely, that the Historian of *Ford Abbey* should be mistaken, who wrote perhaps 2 or 300 Years after the Fact, than that the Current of our Records and publick Histories should club to an useless Fiction?

The Issue and Descent of Royal Blood being (as I think) a material Part of Publick History, and what relates to the Names, Number and Marriages of the Children of K. *William of Scotland*, surnamed the *Lion*, being left much in the dark by the Historians, and no less in

(g) *Bar. 702.*

Con.

Confusion by the Antiquaries, a little Time may not be mis-spent in supplying the Omissions of the former, and rectifying the Mistakes of the others; in order to which I shall here bid Adieu to the *Clare* Family, at least for the present. The Historians name only a Son and two Daughters of that King. The Genealogists find several others, but are at Variance in their Numbers, Name, Order of Birth, and other Distinctions. *Mills* (b) gives him a Son, and Five Daughters, *Brook* (i) the like Number, but with several Differences; and he again is corrected more than amended by *Vincent*. (k) Therefore, finding no good Information from them, I have been led into further Inquiries, the Result whereof be pleased to accept as follows.

I find that K. *William* succeeded his Brother *Malcolm* (l) in the Throne of Scotland, in November 1165, and died in Decemb. 1214, having reigned 49 Years, and lived 72, *John Major* says 74; but the first Account seems to square better with the Years of his elder Brother, who died in the 26th Year of his Age.

In the Year 1183, (m) K. *William* gave his Daughter *Habel* (which he had by a Daughter of *Robert Avenel*) in Mar-

(b) *Mills* 910. (i) *Vincent*, 253. (k) *Ib.* 256.
(l) *Chron. de Mailros.* (m) *Ibid.*

riage to *Robert Brus*, by whom I think she had no Issue, nor many Years Enjoyment; for about 8 Years after *Anno 1191*, she was married to a second Husband, *Robert Roos* of *Hamlake* or *Hemsley*. In the Year 1184, K. *William* married his Second Daughter, *Ada*, to Earl *Patrick* of *Dunbar*, (n) whose Posterity were Earls of the *Scottish* Marches. Having thus settled two of his Daughters, *William* came into *England* in the Year 1186, and married *Ermengarde*, (o) Daughter of *Richard* Viscount of *Beaumont*, who was Son of *Roſcelin*, Viscount of *Beaumont*, by *Constance* natural Daughter of our K. *Henry* the 1st, of whom more hereafter.

In the Year 1193, he matched his Daughter *Margaret*, or *Marjory*, which he had by a Daughter of *Adam de Hythufum* to *Eustace de Vescy*, (p) Grandfather of *John de Vescy*, who afterwards married *Isabel de Beaumont*.

Whether these three Daughters already named, *Isabel*, *Ada*, by some called *Ida*, and *Margaret*, or *Marjory*, were born in holy Wedlock, or came into the World by unſanctified Passages of Generation, I am not certain, having met with no Registers of the Marriages or Deaths of their Mothers; yet in the famous Com-

(n) *Chron. de Mailros.*

(o) *Ibid.*

(p) *Ibid.*

petition

petition for the Crown of *Scotland*, after the Death of King *Alexander* the 3^d, and his Grand-daughter *Margaret* of *Norway*, without Issue, which was referr'd to our K. *Edward* 1st, in the Year 1291, three of the Twelve Pretenders claimed under these Ladies, which were *Robert Ross*, under *Isabel*; *Patrick* Earl of *March*, as Grandson of *Ada*, and *William de Vescy*, the surviving Grandson of *Margaret*. Had these Ladies been legitimate, the Claims under them, as Daughters to K. *William*, were certainly preferable to those of *Balliol* and *Bruce*, who deduced their Titles from *Margaret* and *Isabel*, two Daughters of his younger Brother, as hath been said: But the easy Dismission of those elder Claims seems to shew the Sense of that Age concerning their Legitimacy.

I therefore take my leave of them, and hasten to pay my Respects to the Children of Queen *Ermengarde*.

When K. *William* married her, he was about 44 Years of Age, and could ill afford to lose time; yet it was either long before that Bed was favour'd with the Blessing of Increase, or the forward Blossoms dropp'd prematurely; for his Son and Successor *Alexander* was not born till *Bartholomew-Day*, 1199, (q) and I

(q) *Chron. de Mailros.*

am apt to believe the Daughters were all younger.

These were Three, the Two elder of which were another *Margaret* and another *Isabel*, which Parity of Names has been a kind of Pit-fall of Error to our Historians and Antiquaries. These two were brought into *England* very young, upon a Treaty between K. *John* and their Father, in the Year 1209, to be educated in the *English* Court, and to be married after the Expiration of Nine Years to (r) *Henry* and *Richard*, the two Sons of King *John*, of which *Henry* was then about two Years old, and the other about as many Months; for which distant Marriages the *Scottish* King paid 15000 Merks, as his Daughters Portions, a Supply not unseasonable to the Difficulties K. *John* was then under, between a strong Opposition of his mutinous Barons, and the Subjection of his Kingdom to a Papal Interdict.

Whether *John* was in earnest in the Marriages, or made the Treaty for present Convenience, as a Shelter against any Storms from the North, at that tempestuous Season; or whether a subsequent Change of Politicks impeded the Consummation of the Marriages after his Death (which happen'd within the time

(r) *Hollingshed's Hist. of Scotland.*

limi-

limited) they were waved by a subsequent Treaty; (s) upon which, in the Year 1221, K. *Alexander* the Second was married at *York* to *Joan* the eldest Daughter of K. *John*, and *Margaret* and *Isabel*, the two Sisters of *Alexander*, were to be married to the Honour of both Kings, pursuant whereto *Margaret* was then married to *Hubert de Burgo*.

Her younger Sister, *Isabel* (t) (who by some is made the first born of all the Daughters of K. *William*) staid some time longer for a Husband, for she return'd unmarried out of the Custody of K. *Hen.* the 3d into *Scotland*. " In the Year 1223 " (u) Dr. *Abercrombie* says, (x) the King " very much affected her, and would " have married her; but being by some " Reasons of State diverted from that " Design, he gave her to *Gilbert Earl* " *Marshall*, one of the noble Predecessors of the first *English* Peer now in " being, his Grace the Duke of *Norfolk*. Should not the Doctor have considered, that *Gilbert Marshall* died without Issue?

Neither was *Isabel* married to *Gilbert Earl Marshall* (as he calls him) which is a Mistake whereof he and I have been both guilty; for it was 150 Years after this, before the Title of Earl was annex-

(s) *Abercromby*, 416. *Hallingshed*. (t) *Mills*,
rook, *Vincent*. (u) *Chr. de Mailros*. (x) *Ubi sup*.

ed to the Office of *Mareschal*; but that Office did indeed fall to her Husband, a few Years before his Decease. This was *Roger Bigot*, Son of *Hugh Bigot*, Earl of *Norfolk*, by his Wife *Maud*, who was eldest Daughter of *William Mareschall* Earl of *Pembroke*; which *Hugh* dying in the 9th of *Hen. 3d*, (1225) *Alexander K. of Scotland* for the Sum of 500 Merks obtained the Wardship of the young Earl *Roger*, to provide a Husband for his Sister *Isabel*. (y) *Dugdale* says, *Roger* had formerly married her (*scil. Anno 9. Hen. 3d*) but passing by the Nonsense of *formerly at the same time*, had *Roger* married her formerly, the *Scottish King* would have saved the Price of his Wardship, as he ought indeed to have done.

William Lord Mareschal left 5 Sons, and as many Daughters. The Sons all died childless, *Anselme*, the youngest drawing his last Breath 22 Dec. 1245, (z) upon whose Death the Estate was parted among the Sisters but the Office of *Marshall* fell to the Countess of *Norfolk* by Eldership. *Dugdale* says she receiv'd Livery of it by the King in the 30th Year of his Reign, (a) but without any visible Reason. He afterwards lays by the Staff two Years longer to the 32d

(y) *Bar. 133.*
(a) *Bar. 77. 134.*

(z) *Vincent. Matth. Paris.*

Year of that Reign (1248) (when if you believe him) the King solemnly put the *Marshal's Rod* into her Hands, which she thereupon delivered to Earl *Roger* her Son and Heir; which *Maud* (if he may be credited) afterwards married *John de Warren*, Earl of *Surrey*, and departed this Life in the same Year 1248.

But all this is only another Fardle of Blunders. The Writ to the Treasurer and Barons of the Exchequer for the Appointments of *Maud* as *Marshall*, and for the Admittance of her Deputy, was in the 30th of K. *Hen. 3d*, after which she kept fast Hold of the Staff; nor has the *Baronagian* been a little injurious to the old Lady, in keeping her so long from a Second Choice, and then mismatching her at last.

For *John de Warren*, if not her own Son, was at least the Son of her second Husband, and married the Year before to another Woman, *Alice of Angoulesme*. His Father *William de Plantagenet*, Earl *Warren and Surrey*, was her second Husband, who married her a green Widow, soon after the Death of *Hugh* Earl of *Norfolk*, and dying at *London* in *May* 1240, (b) was quiet in his Grave at *Lewis* in *Sussex*, about five Years before the *Marshall's Rod* fell into her Hands.

(b)

These Facts will be more apparent by a Grant of hers to a Nunnery at *Theford*, which I shall give you as I find it.

Omnibus S. Matris Ecclesiæ filiis, ad quos præsens scriptum pervenerit, Matill. Marefcalla Angliæ, Comitissa Norfolciæ & Warennæ, salutem in Domino. Noverit universitas vestra me in viduitate mea & plena potestate, Divina caritatis intuitu, pro salute animæ meæ, antecessorum & successorum meorum Deditse, concessisse, & hac præsentī carta mea confirmasse Deo & B. Mariæ, & Ecclesiæ S. Georgii de Thefford, & Sanctimonialibus ibidem Deo servientibus, tres marcas redditus argenti annuatim in molendino meo juxta Curiam meam in villa de Cestreford, in puram & perpetuam elemosinam ad indumenta prædictarum Monialium sustinenda, scilicet, medietatem ad indumenta lanea, & aliam medietatem ad indumenta linea earundem—&c.--- His Testibus Domino Rogero Bygot Comite Norfolciæ, Dominis Radulfo de Bygot, Willielmo de Hengham, Osberto de Cayly, & multis aliis. (c)

The Deed is without Date, but it must be within the two last Years of her life. It appears she was then not only Widow of Earl *Warren*, but *Marefcall*

(c) *Hist. Excheq. f. 33.*

of

of *England*, and the Earl her Son did not pretend to that Office.

After her Death, 1248, he succeeded to the Office of *Marescall*, and the laborious Compiler of the *Baronage* has found another Writ to the Exchequer in his Favour; but it unfortunately happens to be entered upon the close Roll of the 54th of *Henry* 3d, when he was dead, and succeeded in Title, Office, and Estate, by his Nephew *Roger*, who would be apt to lay Claim to this Writ. (d)

And here, by the way, I would recommend to the Editor of the next Impression of *M. Paris*, a short Animadversion upon his Author, where he says. *Hoc eodem Anno (1246) multiplicatis intercessionibus, concessa est Marescalcia cum officio & honore Comiti Rogero Bigod ratione Comitissæ filie Comitis Magni Willielmi Marescalli primogenitæ uxoris suæ*; not one word of which Paragraph appears to be true. (e)

But to return from these Rambles to my Attendance on the Daughters of K. *William* of *Scotland*, I think it is right, that the Lady who was Mistress of K. *Henry's* Affections was afterwards married to *Gilbert Mareschal* Earl of *Pembroke*; but that was not *Isabel* who was affianced to the Earl of *Norfolk*, before

(d) Bar. 134.

(e) M. Paris, 705.

the King compleated 16 Years, and when she had been two Years absent in *Scotland*.

Whereas his Inclination to a Lady of that Family did not discover it self till the Year 1231, (f) when he was at full Age, and the Earl of *Norfolk*, and his Countess *Isabel*, then and many Years after both living, for not having used her well, he was reconciled to her, in the Year 1253, which was 22 Years after the King's amorous Fit. (g)

Mr. *Mills* is pleased to make this *Isabel* survive her Husband, the Earl of *Norfolk*, and afterwards marry *Eustace de Vescy*. (h) I think she died before her Husband, but if not, she could not after his Death marry *Eustace de Vescy*, who was kill'd above 50 Years before in a Rebellion against K. *John*, after he had been Restored to his Estate which had been forfeited for his former Rebellious Practices. (i)

On the other hand, *Vincent* (k) gives her for a second Husband, *Robert Roos*, of *Hamlake*. But *Robert Ros*, who married her elder Sister, died 11th *Hen. 3d*, above 40 Years before the Earl of *Norfolk*, and *Robert* his Grandson married

(f) *M. Paris* 370.

(h) *Mills* 507.

(k) *Vinc.* 253.

(g) *Ibid.* 868. 1253.

(i) *Prynne Edw.* 1. f. 15.

Habel, Daughter and Heiress of *Albini*, in or before the 28th of *Hen. 3d*, and died before her. (l)

It is not worth while to mention a Mistake of Sir *Peter Leicester*, (m) mis-grounded on another Mistake of *Knigh-ton*, concerning a Marriage of one of the Daughters contracted in the *English* Court to an Earl of *Flanders*; but hereby you may see how easy it is to lose our way in these dark intricate Mazes of Antiquity; therefore leaving these and other Wanderings from the Truth, I find there was yet another Sister, who was probably unborn when the other two were delivered to K. *John*, and was unmarried in the Year 1231, (n) *M. Paris* calls her *Margaret*, and others *Marjory*. (o) She was a Celebrated Beauty, *puella elegantissima*, as *Matthew* expresses it. So that she might be the Object of a King's Desires, but not being (as it seems) destined for a Throne, she was about 4 Years afterwards, *Anno* 1235, married with great Solemnity at *Berwick*, to *Gilbert* Lord *Marescall*, in the Presence of her Brother the K. of *Scotland*, and many of the Nobility of both Kingdoms. (p) But I doubt this was not with the Consent of K. *Henry*, who had received

(l) Bar. 547.
432. (o)

(m)

(n) *M. Paris*,
(p) *Chron. de Mailros*.

many

many ungrateful Provocations from *Gilbert* in return to Heaps of Favours. *Dugdale* gives a great Account of the Lady's Fortune and Dowry, and says, that the Earl afterwards married *Maud de Lanvalley*, (q) without the King's Licence, for which Transgression his Land was seized.

Who this *Maud de Lanvalley* was, is to me a Secret. The same Author terminates that Family in *Hawise de Lanvalley*, (r) of whom *Hubert de Burgo* obtained the Wardship, and married her to his Son *John*. But if there was such a Person as *Maud de Lanvalley*, she could not be second Wife to *Gilbert Mareschall*, he being kill'd by his Horse at a Tournament at *Ware* held against the King's Command in the Year 1241, and his Widow *Margaret* remaining in that State about three Years, died on *St. Hugh's Day* 1244, and was buried in the Church of the Friars Preachers. (s)

I have now found Six Daughters of *K. William*, Three by *Q. Ermingard*, and Three before that Marriage: But besides these I find mention of some other Children of his. I must confess I take them to be of the doubtful Gender. How-

(q) *Bar.* 606.

(r) *Ibid.* 632. 700.

(s) *Matth. Paris* 651.

ever, they shall not pass without due Regard.

The accurate Corrector of old *Brook* has from the Claim-Roll, on the Competition for the Crown of *Scotland*, discover'd a Second Son, named *Henry*, (t) slain by his Uncle K. *Malcolm*, leaving Issue, *Patrick Galightley*, one of the Twelve Competitors, which, if true, would indeed be very wonderful; for *Malcolm* the Maiden, elder Brother of K. *William*, died in the 26th Year of his Age, about 34 Years before the Birth of Prince *Alexander*, Elder Brother to this supposed *Henry*.

That K. *William* had a younger Son, is not denied; but his Name is said to have been *John*, who was drowned in his Infancy, with his Nurse and some other Persons, by a sudden Inundation of the River *Tay*, which almost destroy'd an old Town called *Bertha*, and occasioned K. *William* to build near it the City of *Perth*, now called St. *Johnstown*, (u) perhaps in Memory of the poor Innocent. But this Accident was after the Peace made with K. *John*, and between 40 and 50 Years after the Death of K. *Malcolm*.

(t) *Vincent*, 256.

(u) *Buchanan*. *Mackenzie's Scottish Writers*, f. 2. 79.

There-

Therefore leaving the murdered Son *Henry* in his original State of Non-Entity, let us see what *Vincent* says of the Daughters, of which he names Five, as all proceeding from Q. *Ermingard*. (x) He says *Aufrica*, the youngest, was married to *William Say* of *Ulster*, of whom descended *Roger Mandeville*, another of the Competitors.

By these Enquiries after the Children of the *Scottish* King *William*, I am led into a kind of Anticipation of what I intended to say upon the Subject of the great Competition about the Succession to that Crown, two of the Competitors being here named.

The publick has been obliged with two Copies of Records of that great Cause, one by *William Prynn*, from that which is called the *Claim-Roll* in the *Tower*---the other published from a Record in the *Exchequer*, in the *Chamberlain's* Office there ---by Mr. *Rymer*, among his valuable Collections. They are both in the Name of one Notary-Publick *John de Cadomo*, but are so different both in Matter and Form, that they can hardly be imagined to come from one Hand. However, waving Surmises, I cannot but wonder, that *Vincent*, who seems to

(x) *Vincent* 256.

follow the Record in the *Tower*, should make *Patrick de Galightley* the Issue of a Son of King *William*, when *Patrick* (if *Prynne* has copied it fairly) sets forth, that King *Henry* had two Sons, *William* and *Henry de Galightley*, which *Henry* begot *Patrick* in lawful Wedlock: Whereas *Henry* the Father of *William* never was King, and died 140 Years before the Competition.

But *Rymer's* Copy agrees with *Vincent*, that King *William* had two Sons, *Alexander* and *Henry de Galightley*, Father of *Patrick*: So that he must be Brother to K. *Alexander* 2d.

Roger Mundeville or *Mandeville*, the other Competitor, above-named, tells a Story, that King *William* left a Son *Henry*, and two Daughters to his Brother *Malcolm*. That *Malcolm* murdered the Son, that one of the Daughters who shall be nameless, died, and *Aufrica* the younger marrying *William Say* of *Ulster*, had a Son *William* who had a Daughter *Aufrica* married to *Robert Wardon*, or *Vandon*, from whence proceeded a Daughter *Agatha* (who whether ever married or not) honest *Roger* it seems was her Son and Heir, and the 6th in Descent from K. *William*, whose Marriage was about 150 Years before the Petition. So that this was a nimble Race in the Business of

of Propagation. But enough of this before, and to speak my own Opinion freely, I cannot believe that either *Aufrica* or her Brother *Henry*, were begotten by King *William*, but kindly father'd upon him by some honest Agent of King *Ed. 1.* and had never been heard of, had they not been hatch'd by the prolific Warmth of that Competition, by which the *Scottish* Writers seem justified, who say, that a great Number of these remote groundless Pretensions were spirited up by *Edward*, merely to draw the Matter into his own Hands.

Our Northern King at Arms has, like *Jupiter*, hatched out of his own Brain yet another Daughter of K. *William* of *Scotland*, and has given her Name, a Husband, and a Son. He says her Name was *Agnes*, (y) that she was married to *William de Vesey*, Father of *Eustace*, and had a Son named *William*: But as I dare believe that either *Agnes* or her Son were never seen in this World, nor will appear at the Resurrection, I cannot add her to the Number of these Northern *Aurora's*, of which, besides the Countess of *Dunbar* in *Scotland* and *Aufrica* (if there was such a Person) in *Ireland*, we have found Five shining in that Age, in our *English* Horizon, tho' not all in

full Lustre at one time; and the Five Ladies married into so many of our noble Families; yet I much doubt whether a Drop of the Blood of any of them can be traced down to this time. However, I hope I have done more Justice to their Memories, than has been paid them by any one Person.

But if our Author has given a Daughter extraordinary to K. *William of Scotland*, he has robb'd another Great Person (to whom he was indebted in much higher Obligations) of a very extraordinary Daughter. It is no wonder he should blunder in these dark Ages, when he is guilty of notorious Stumbling in the Sunshine of his own Times, and in the most conspicuous Lustre of the Royal Family. This Third Volume of the *Baronage* was printed in the Year 1676; in which, naming the Children of his Royal Highness *James D. of York* by his first Ducheſs, the Lady *Catherine Hyde*, he mentions three Daughters, Lady *Mary*, Lady *Henrietta*, then living, and Lady *Catherine*, who died in her Infancy. Will not Posterity stand amazed that he should take no more Notice of Lady *Anne*, the Second Daughter, who was then about 12 Years of Age, and afterwards was our excellent Q. *Anne* (whose Name will be ever glorious) than if no such Person had

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ever

ever been born, and names *Henrietta* as living, who died within her First Year at *St. James's* the 15th of *November* 1669? About 7 Years before that Publication, had he resided in *Lapland*, we might have thought him misinformed, or barrer'd; but did a Person of his consummate Negligence, in Matters so publick and so obvious to his own Senses, deserve an Employment like this in any better Country?

From hence I was making haste to attend my worthy Friend the *Baronagian* to take a View of the Grand Competition for the Crown of *Scotland*, and of the House of *Brus* of *Anandale*, from whence issued one of the Competitors at that time, whose Grandson mounted the Throne of that Kingdom; on both which Subjects this Author hath remarkably exerted his usual Accuracy: But remembering that I am engaged in a Debt of Promise to a Noble Family of the Name of *Beaumont*, I shall endeavour first to acquit my self of that, and leave the most Worthy, according to the usual manner of Cavalcades, to bring up the Rear.

Our Author, in his 2d Tome, has some Account of a Family of the Name of *Beaumont*, (z) touching which he says,

(z) *Bar. 2. 50.*

“ he

" he had not seen any Mention until to-
 " wards the End of *Ed.* the first's Reign.
 " That *Henry de Beaumont* is taken no-
 " tice of in our publick Records, whose
 " descent is by some deduced from *Lewis*
 " Son to *Charles* Earl of *Anjou*, a young-
 " er Son to *Lewis* the 8th K. of *France*.
 " But by others, from *Lewis de Brent*,
 " Second Son of *John de Brenne*, the last
 " King of *Jerusalem*.

But to the Honour of our learned King
 at Arms, he justly rejects the Opinion of
 those who would shorten the Date of the
 Original of this Family in *England*, and
 brings them in with *Isabel* the Wife of
 K. *Ed.* 2d, whom he married in the first
 Year of his Reign. *Ralph Brooks*, with-
 out pretending to name their Parents,
 has given his Suffrage this way, and has
 passed uncorrected by his Antagonist,
 which is somewhat strange. (a) But
Dugdale, with more Probability at least,
 supposes, that their first Access hither
 might be by means of Q. *Elleanor* that
 King's Mother.

Our Author and others have built upon
 the Foundation of *Glover's* Collections,
 who was *Somerset Herald*, created 14
Eliz. Howsoever he came by this blind
 Story, it has caused a great Division a-
 mong the Antiquaries, which leaves a

(a) *Vincent*, 55.

Reflection upon the whole Body. I am concerned for the learned *Camden*, who seems to set out right. He first derives *Henry de Beaumont* from the famous Family of the Viscounts *de Bellomonte*; but soon after, is very certain that the Family came from *John de Brenne*. (b)

But I cannot think this to be so very certain. For *John de Brenne*, or, *de Brienne*, a Town in *France*, not *de Bremen* (as Mr. *Barns* is pleased to fancy, (c) who was deservedly raised by his Gallantry to the uneasy Throne of the Kingdom of *Jerusalem*, with the more desirable Possession of the fair Inheritrix of that Crown, married that Lady in the Year 1210, (d) and by her had a Daughter named *Yolante*, who about the Age of 15 Years was married to the Emperor of *Germany*, *Frederick* the 2d, by Right of which Alliance, he was crowned King of *Jerusalem* in the Year 1229, (e) and was indeed the last of the Christian Race who possessed any thing of that Kingdom more than the empty Title.

In the Year 1224, *John de Brenne* (f) married *Berengaria*, Daughter of *Alphonso* the 9th King of *Leon* and his Wife

(b) *Cambr. in Leicest.*

(c) *Hist. Edw. 3 33.*

(d) *Hist. de Jean de Brienne, 117.*

(e) *Heisse*

Hist. Germ.

(f) *Annal. de Dunst. & N. Trivet.*

v. Sandford, 70.

Berangere, Sister of *Ferdinand*, 3d K. of *Castile*, into which Engagement he plunged in the Evening of his Days, when he had been scorched by 64 Summers, or more, yet had from that Bed a Daughter and three Sons.

In the Year 1237, about 13 Years after that Marriage, he died, leaving his Children all young; the Daughter, named *Mary*, was contracted in her Infancy, and afterwards married to *Baldwin* Emperor of *Constantinople*. The Sons were, 1. *John*, 2. *Alphonso*; and 3. *Lewis*; from whom the *Beaumonts* are derived, as from the 2d Son of *John de Brenne*. (g)

This youngest Son could not possibly have been born above 8 or 9 Years before the Death of his Father. They were all educated and preferred by *Lewis* the 9th of *France*. The eldest, called *John* of *Acre*, was Great Butler of *France*, and married *Mary de Coucy* Relict of *Alexander* the 3d of *Scotland*; how long after his Death, I know not, but in the Year 1257, *John* of *Acre* and his Confort had a Licence to travel thro' *England* into *Scotland*. (h)

Alphonso the 2d Son was Earl of *Eu*, and Great Chamberlain of *France*, from whom descended a long Race of Nobility.

(g) *Hist. de Jean de Brienne*, 117. *Tom. I. 627.*

(h) *Rymer*

And the 3d Son *Lewis* was dignified with the Viscounty of *Beaumont*, which was then with the Duchy of *Normandy* in the Possession and Power of the Crown of *France* by Conquest from the *English*.

The foreign Title of this Viscount would hardly have been admitted in the *English* Court; and had he had any Sons, they must have been co-temporary with these *Beaumonts*, not with sufficient Priority of Years to be allowed as their Father. However, if he had left any Male Issue, I think they would have been worth naming; whereas I have found only a Daughter married into the Family of the Counts *Delavalle* and *Vitry*.

Of our *Beaumonts* were three, *Henry*, *Lewis* and *Isabel*, she who seems to have been the oldest, was Wife of *John de Vescy* in the Year 1280, (i) and probably sooner, when *Lewis de Brenne* might be about 50 Years of Age. *Henry de Beaumont* served under *Ed. 1.* in *Scotland*, in the Year 1302, and might possibly have acted in a more private Station several Years sooner; for his Brother *Lewis* was Treasurer of the Church of *Salisbury*, *A. D.* 1294, (k) and afterwards Bishop of *Durham*. But these seem to have disclaimed the Blood of *John de Brenne*; for *Robert de Greystones*, who

(i) *Bar. Tom.* 2. 50. (k) *Ang. Sac. Tom.* 1. 757.

was Sub-prior of *Durham* at the time of the Bishop's Promotion to that See, says, he was a Man of Generosity, which he had from the Blood of the Kings of *France* and *Sicily*, but does not adorn him with Qualities truly royal; for he says he was prodigal in his Expences, and very greedy of Money, without caring how he came by it, (l) not much unlike to what *Salust* tells us of *Cataline*. Nor does the Brother *Henry* appear with a more amiable Character; for having been much trusted, and more rewarded by K. *Ed.* 2d, after being pardoned for affronting him in open Council, (m) he made a Shift to get into *France*, attended the virtuous Q. *Isabel* to the Court of the Earl of *Hainault*, from whence he came over with the Earl's Brother *John* Lord of *Beaumont* in that Country, to assist that dutiful Consort in the pious Work of dethroning her Husband.

But as to the Descent of this Family from the Kings of *France* and *Sicily*, altho' due Respect ought to be paid to the Credit of *Robert de Greystones*, who was not only co-temporary, but personally acquainted with *Lewis de Beaumont*, yet perhaps the Sub-prior might be imposed upon by the Pride and Vanity of the Bishop; for upon Trial we shall find this

(l) *Ang Sac.* Tom. 1. 760.

(m)

no less difficult than the other, to be reconciled to any Rules or Measures of Chronology.

This Stream is derived from *Lewis* Son to *Charles* Earl of *Anjou*, a younger Son of *Lewis* the 8th of *France*, who died *A. D.* 1226, (n) his 4th Son, *Charles* Earl of *Anjou*, being then about 7 Years of Age; and when he was about 25 Years old, *A.* 1245, he married *Beatrix* the youngest Daughter of *Raymund de Berenger*, Earl of *Provence*, the Temples of whose four Daughters were all circled with Sovereign Crowns, the two eldest being adorned with those of *France* and *England*.

For several Years, in that Age, the Popes made a kind of Bubble of the Kingdom of *Sicily*; they pretended, like their elder Brother the Devil, a Power to dispose of all the Kingdoms of the Earth. This of *Sicily* was offer'd to *Richard* Earl of *Cornwal*, and his Nephew *Edmund*, 2d Son to *K. Hen.* 3d, was afterwards invested in it: But the Pretence of maintaining that Title having for about Ten Years been made a perpetual Drein to suck and draw away the solid Treasure of the Nation, that airy Title was renounced with more Prudence than it had been accepted.

(n) *P. Daniel.*

Soon

Soon after which, in the Year 1265, Pope *Clement* the 4th undertook to grant the Investiture of the Kingdoms of *Sicily* and *Naples* to *Charles* of *Anjou*, which he lost by the general Massacre of his Countrymen upon that Island, *A. D.* 1282, remembred by the Name of the *Sicilian Vespers*.

He died in the Year 1285, in the 66th Year of his Age, his Son *Charles* being then a Prisoner to the King of *Arragon*, from which Confinement he was deliver'd, and was crowned King of *Sicily*, *A. D.* 1289. The *Beaumonts* are derived, by our Genealogists on this Side of the Question, from *Lewis* Brother of this *Charles*, and 2d Son of his Father; but were it so, *Lewis* must begin the pleasing Work of Generation in his Cradle; for if we may believe *Anderson's* Tables, he died in the Year 1248, about 3 Years after the Marriage of his Parents.

Is it not almost incredible, Sir, that any Persons who pretend to trace the Steps of Genealogy should derive any Family either from Persons who never were existing, or from such as were too nearly coætaneous, to be capable of being their Progenitors; and not only so, but admit a dubious Original from several Heads, who must have been on either Side living, and well known, when their pretended
imme-

immediate Children were acting upon the Stage of Life.

To avoid these Absurdities, as I suppose, *Sampson Erdswick* (o) goes as much too far backwards for this Original, and makes *Henry de Beaumont* a Son of *Lewis* the 8th of *France*, which is two Generations higher, and is as much above the Mark as the others are below it; for if *Henry de Beaumont* lived to the 14th of *Ed. 3.* (as is truly observed by *Dugdale*) which was 1341, he must have been near 120 Years old, which had been somewhat remarkable; and if among the Sons of *Lewis* the 8th, we could have found one named *Henry* (which I confess I have not been able to do) we must in that Case have looked further for a Father to his Sister *Vesey* and the Bishop of *Durham*.

This does not seem to be a Matter worth much Dispute. However, I cannot desert Mr. *Camden*'s first Thought, in support whereof I have another contemporary Author to produce, which is *Froisard* the Historian, who was a Native of *Hainault*, was living at the time of Queen *Isabel*'s Descent upon *England*, and many Years resided here, was acquainted with the secret Steps of that glorious Revolution, could be no Stranger

(o) *Survey of Staffordsh.* 144.

to *Henry de Beaumont*, nor can be supposed ignorant of the Issues either of *Charles K. of Sicily*, or *John de Brenne*; yet derives *Henry* from neither of them, but says he was Son to the Viscount of *Beaumont in England*. (p) I cannot give so perfect an Account of these Viscounts as I could wish, but what I can say I shall venture to offer. Be pleased to know, that our K. *Hen. 1.* (who was mere natural Flesh and Blood) had Seven Side-wind Sons, and as many Daughters of the same sort.

Constance the 5th of these was married to *Rosceline*, Viscount of *Beaumont* in the County of *Maine*, an Appendant to the Duchy of *Normandy*, and upon Marriage was endowed by her Father with the Manor of *Alrichscott*, and Town of *Suttanton* in *Devonshire*. Authors give her two Sons, *Richard*, who succeeded his Father as Viscount, and *Ralph*, Bishop of *Angiers*. (q) What other Issue I know not, nor do I know what Circumstances of the Family might bring the Viscountess *Constance* back into *England*; but here I believe she was, for Mr. *Madox* has produced from the *Pipe-Rolls* (r) several Payments of Money in the 4th Year of K. *Hen. 2d* (who was her Ne-

(p) *Froissard*, l. 1. c. 13.
(r) *Bar. Angl.* 144.

(q) *Sandford*.

(pnew

phew) by virtue of the King's Writs to the Sheriffs of the County of *Devon*, whither probably she retired to her Estate: Which Payments were made to a Lady stiled only *Vicecomitissa*, and another afterwards *Vicecomitissa de Belomonte*. Nor is it improbable, that *Odoard le Viscount*, to whom that King gave the Barony of *Emildon* in *Northumberland*, (r) might be a younger Son of hers.

In the 20th Year of the same King's Reign (t) *Richard* Viscount of *Beaumont* was one of the Witnesses to the Accord between him and his undutiful Sons, and a few Years after we meet with two Daughters of his in the *English* Court, *Ermengard* and *Constance*; the former of these (as has been already noticed) was married in the 32d Year of *K. Hen. 2d*, (1186) to *William* surnamed the *Lion*, *K. of Scotland*, and *Constance* the other Daughter afterwards became the Wife of *Roger de Tony*; on which Couple King *John*, among other things, settled the Manor and Town in *Devonshire*, which had been given to her Grandmother *Constance* by *K. Hen. 1.* (u)

To the Viscount *Richard* succeeded *Ralph* (as I suppose, who in the 3d Year

(r) *Bar.* (t) *Rymer* 1. f. 38.
470. *Vincent*, 712.

(u) *Bar.*

of K. *John*, was one of the Sureties for the Fealty of *John de Maine* to that King, who was (x) endeavouring to strengthen himself by Alliances against *Philip* the French King, and to that purpose the next Year wrote to this Viscount to persuade him into his Party, promising in case of Misfortune or Forfeiture, to make him, competent Satisfaction to be judged by the E. of *Leicester* and others, (y) which Earl I must observe had the Surname of *Beaumont*.

It is well known how the whole Duchy of *Normandy* was presently lost by the Negligence, Inability, or Diffidence of K. *John*. In this Revolution the Viscount probably must be a Sufferer, and where could he or his Heirs apply for Refuge or Relief so properly as to the *English Court*?

Where we find in the next Reign one *William de Beaumont*, who was Witness to a Grant of K. *Hen. 3d* to *William de Valence* about the Year 1248. (z) There was also one *Godfrey de Beaumont*, who with *Cecilia de Ferrars* his Wife, levied a Fine of the Manor of *Bokborn* in *Northamptonshire*, the 6th of K. *Ed. 1.* (a) Why might not one of these *Beaumonts* be Father of Lady *Vesey* and her Brothers?

(x) *Rymer Tom. 1. 126, 131.*

(y) *Ibid. f. 131.*

(z) *Ryley, 71.*

(a) *Ibid. 190.*

But

But whoever was their Father, we have, it seems, found a Mother for them in *Scotland*, whither it cannot be supposed that either *Lewis* of *Anjou*, or *Lewis de Brenne* ever went to raise their Fortunes. To this Mother *Dugdale* has given the Name of *Agnes* (b) (or *Anne*, as he calls her within four Lines after) she was Baroneſs of *Carall*, or as he ſpells it in another Place, *Casall*, (c) in the Shire of *Fife*. This he founds upon two Records of the Homage performed by her Daughter *Iſabel*, then Widow of *Jahn de Veſcy*, to K. *Ed.* 1. for that Barony in the 25th Year of his Reign, after his uſurped Superiority over *Scotland*; which Barony had been releaſed to her by her Mother; or as our accurate Author ſays from another Quotation of one of the ſame Records, (d) by Q. *Elleanor*, Mother of K. *Ed.* 1.

Will not his Readers be ſtrangely enlighten'd by theſe Discoveries? How will they know whether the Name of the Baroneſs was *Agnes* or *Anne*; whether the Barony was *Carall* or *Casall*; or whether the Title of *Iſabel* was from her own Mother, or the Mother of K. *Edw.* 1. But this is not the only Inſtance of our Author's Skill and Care in the Citation of Records.

(b) *Bar. Tom.* 2. 52. (c) *Ibid. Tom.* 1. 91. (d) *Ibid.*

But

But whether the Mother of *Isabel* was *Agnes* or *Anne*, she seems the more likely Person to have been Lady of the *Scottish* Barony; for when *Q. Ermengarde* went into that Kingdom, she was without Question attended or followed by some of her Relations who might be provided for there. Nor is it unlikely, that after the Loss of the Viscounty, some of the Family might make a Trip thither from *Normandy* or *England*, and might marry the Heiress or Possessor of that Barony, as will be further apparent by what follows.

The Duchy of *Normandy* continued with little Interruption under the Domination of the *French* for about 210 Years, till it was recover'd by the victorious Arms of our Heroick King *Henry 5th*, who not only subdued *Normandy* and great Part of *Guyenne*, but gained such Power and Interest in *France*, as to marry *Catherine* Daughter of the *French* King, *Charles* the 6th, and be declared by the Three Estates Regent of that Kingdom, and Heir to the Crown.

Mr. *Rymier* could not forbear observing what a Dust was hereupon raised by the Parsons crowding with their Parishoners at their Heels, to take the Oaths to this new Settlement, against the lawful Succession. All Orders of Clergy
and

and others flock'd to get their Titles confirmed, and their Benefices and Estates secured and augmented. The Viscounty of *Beaumont* was at that time in the Possession of *John* the second Duke of *Alençon*, whose Father had it in Marriage with *Mary* Daughter of *John* Duke of *Bretagne* (e) (so that the Title of *Brenne* was extinguished.) The Father lost his Life at the Battle of *Agincourt*, so memorably fatal to the *French*, and glorious to the *English*; and this *John* the 2d was taken Prisoner at the Battle of *Vernieule* in the Year 1424, and was some time after dismissed upon Ransom. It was probably in this time that he obtained from the Duke of *Bedford*, Regent of *France*, a Confirmation of his Viscounty of *Beaumont*. But he being afterwards active in the Party of the *Dauphin*, his *English* Title became forfeited, and the Viscounty, among many other Territories in those Parts, was granted by K. *Hen.* 6th to his Uncle the Duke of *Bedford*, Regent there under him, upon whose Death, in the 14th Year of that Reign, all those and other Estates reverted to the Crown.

In the 18th Year of K. *Hen.* 6th, he was pleased to raise *John de Beaumont*, a Descendant of our *Henry*, into the

(e) Seld. Letter to Aug. Vincent.

English Peerage, by the Title of Viscount of *Beaumont*, (e) thus naturalizing and ennobling that Title, till which time the Stile of *Vicecomes* in *England* was only given to Sheriffs appointed for the Administration of a Share of the Laws and Government in the several Counties, instead of the Earls by whom they were anciently ruled under the Crown, but never signified any Honour or Dignity of Peerage.

Within a Year after this Creation, (f) the same King, under his Great Seal of of *France*, granted to the new Viscount and his Heirs Male, under a small Reservation towards the Repairs of the Castle of *Roan*, the Viscounty of *Beaumont*, with its Lordships, Fees, Rents, Revenues and Possessions from which he and his Predecessors were anciently extracted, and whereof he and they had always born the Arms; which Allegations would hardly have found room in the Patent, without consulting the Heralds, and probably some of both Nations.

So that this is like a ruled Case in Law, and if, the Links of the Chain which led to it are not so well united as might be wish'd, yet considering the Distance of Time, if it cannot be charged with any Absurdities, or contradicted by

(e) *Seld. Tit. of Honour*, 631. (f) *Ibid.* 442.

Reason or Evidence, why may it not pass Muster?

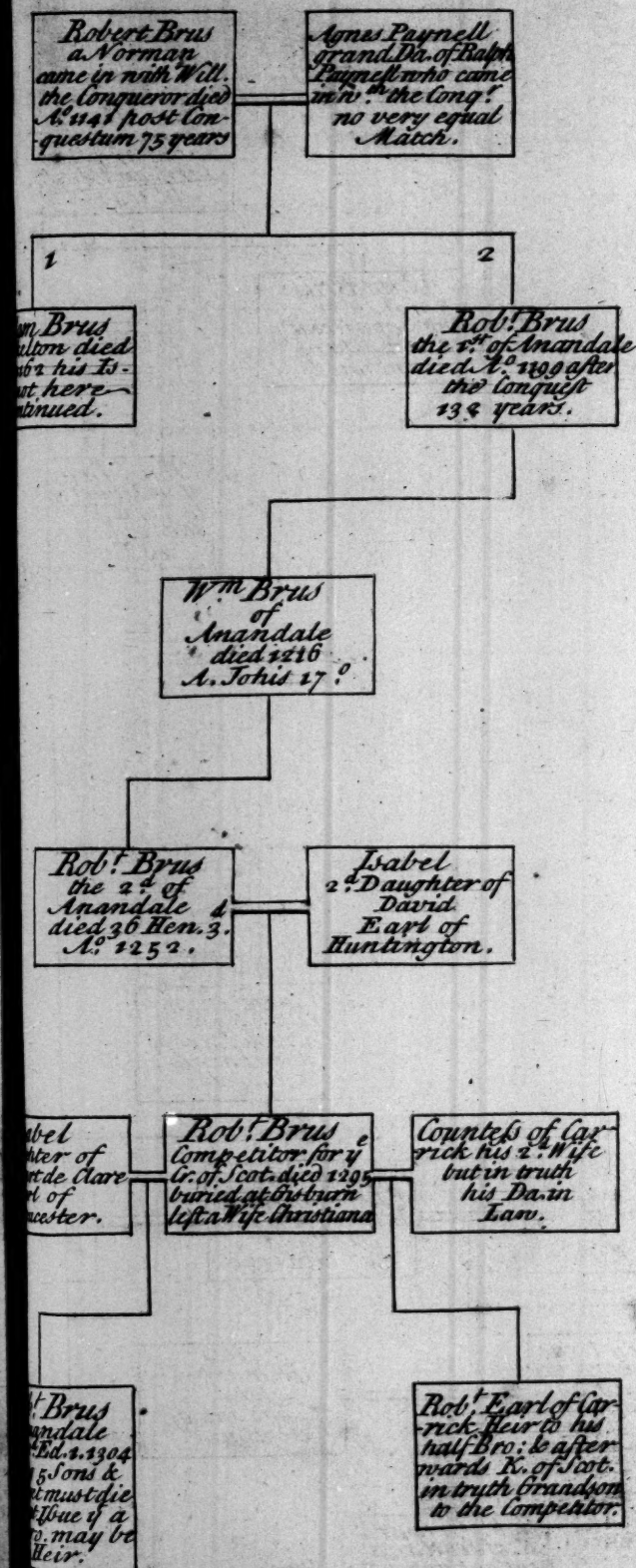
I hope, my good Friend, you will pardon my detaining you so long on this extinct dubious Family; but hereby will be apparent the Uncertainty of human Knowledge in this as well as other Sciences; and so taking my leave of this Subject, I shall proceed to Matters of greater Importance, and endeavour to give some account of the Solemn Contest about the Succession to the Crown of *Scotland*, which was perhaps the greatest Cause that ever came before any earthly Judicature. The Matter in Question was the Crown of an ancient and potent Kingdom: The Number of Suitors or Parties were no less than Twelve, one of which was King of *Norway*, another great Kingdom, and all the others of Quality, who all submitted to the Decision of K. *Ed.* 1st, as Superior Lord of the Kingdom of *Scotland*, in whose Presence, with the Advice and Assistance of 80 Commissioners, or Auditors, named by the Competitors, and 24 appointed by the Judge (besides all the Prelacy and Peerage of both Kingdoms, who were willing to attend) that important Dispute was by, and before, that August Assembly debated, considered, and at last decided in the most solemn manner, and

and the Judgment pronounced from the Mouth of the Royal Judge himself.

But the *Scots* (and I am afraid with too much Reason) say, that all this awful Face of Justice was nothing but a Mask, and all the Form and Solemnity of the Trial only a mere solemn Farce. That *Edward* knew very well the Poverty, Divisions, and Distractions of that Kingdom, that to curb his Opposers having in the mean while got Possession of most of their fortified Places, he then, to heighten their Divisions, set up a number of vain empty Claims, without regard to Right, but only to secure his own Game, in gaining his Favourite Point of Superiority over *Scotland*, that by an indirect Advantage taken of a Trust reposed in him, as a friendly Mediator, he set up this Pretence of Superiority never allowed before by that Nation, and supported only by ransacking some old Historians, who being all *English*, were not looked upon as fair Evidence. That by these Methods, and a partial Favour to the Cause of those who would be most obsequiously at his Service, all this pompous Exterior was only making a Jest of those sacred things, Truth and Justice, and imposing as far as he was able, both upon God and Man.

However, by the Importance of the Cause, I have been led to enquire into the Persons and Families of the several Pretenders, and to take a transient View of several Articles in the *Baronage*, relating to some of them, wherein several Questions occurred to me, with which I shall not here trouble you or my self. But that Branch of the Family of *Brus*, which entered into the Competition, having produced a Person who may be justly placed in the first Rank of Heroes, whose Valour was the only Support of his Title, and whose Blood has run in the Veins of all those who have been Monarchs of this whole Island, down to the present Age, I cannot be unwilling (however weary of this unpleasant Work) to bestow so much Labour as may be necessary to correct the Errors of our Antiquary, relating to that Family in the Lineage and Descent whereof as I happen to differ much from that learned Person, that the Matter may be the more easily judged at one View, I have here exhibited Two different Pedigrees of the Family, one according to *Dugdale*, and another, which I take to be more authentick; whether so or not, is submitted to those who are more conversant in these Studies.

Male's Pedigree of Brus of Anandale.



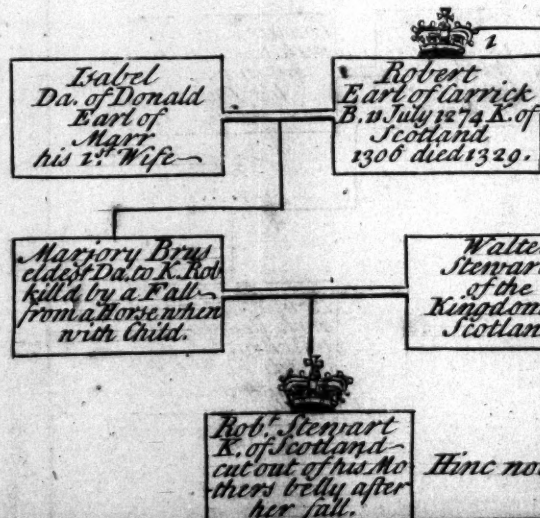
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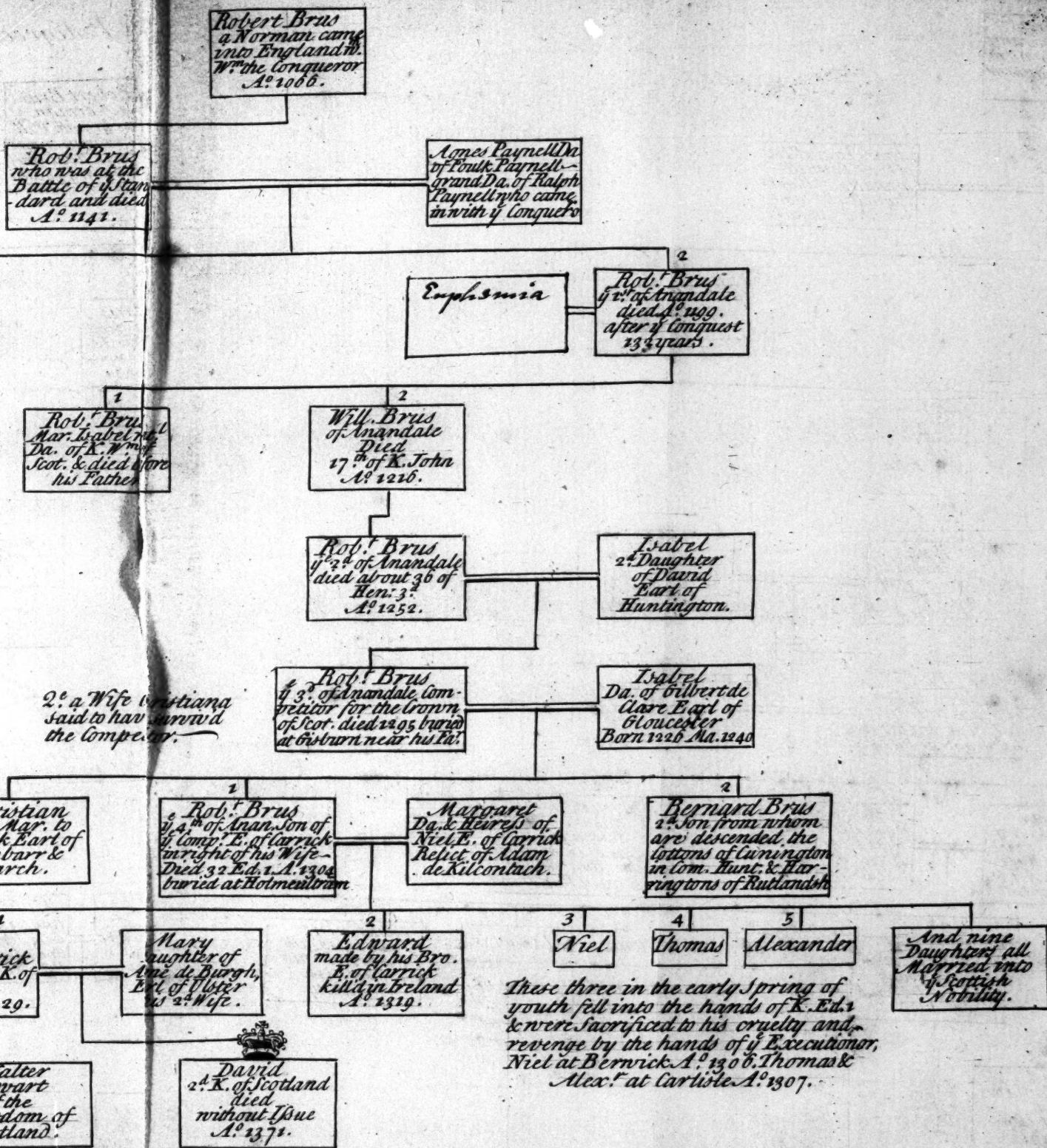
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Patrick Earl of
Dunbar &
March.



pedigree of Brus of Anandale Corrected.

fo. 159



The Original of this noble Family of *Bruce*, or *Brus*, as anciently written, was in this Island, from *Robert Brus*, a *Norman*, who attended the Conqueror in his successful Attempt upon *England*, for a Share of Glory and Plunder.

From this *Robert the Norman*, our accurate Genealogist, in his confused manner seems to place *Robert the King* in the fifth Degree, but, rightly placed, I think he stands in the seventh Degree of lineal Descent. Now, from the Conquest in the Year 1066, to the Coronation of K. *Robert* at *Scone* in A. 1306, are 240 Years, which allow almost 50 Years each to five Generations, which would suit well enough with an Antedeluvian Pedigree; but in these later Ages, it hath not been very usual for Men to live 50 or 60 Years, before they beget Sons and Daughters.

The Lot of the first *Robert*, carved out of the Estates of the conquer'd *English*, lay in the North of *England*. (g) The *Baronage* gives him, in the time of the Conqueror, the Manors of *Skelton*, *Merks*, *Danby*, *Carlton*, and others in *Yorkshire*, *Anandale* in *Scotland*, and *Hert* and *Hertness* in the Bishoprick of *Durham*, which Estates he says increased so much, that at the time of the *Great*

(g) Bar. 447.

Survey, he had in the *North-riding* of *Yorkshire*, 51 Lordships, and 43 in the *East and West-ridings*.

Whether he had *Hert* or *Hertness*, before the making up of the *Great Survey*, I am apt to question: But how this *Norman* should so soon come by the Lordship of *Anandale* in *Scotland*, is to me inconceivable. I cannot find that it submitted to the Sword of the Conqueror; therefore must look further for a Title to that Territory.

As to his Lordships in the several Ridings of *Yorkshire*, being in all 94, according to *Dugdale*, I can only observe, that either they were very small, or the Estate wasted almost as fast as it increased. For in the 12th of *Henry 2d*, (b) the two Branches of the Family were charged with but 20 Knights Fees, and I cannot but wonder, if these Lordships were to be found in the *Great Survey*, that the Name of *Brus* should not be met with in either of *Dr. Brady's* nor in *Mr. Duchesne's* Abstracts of that Record.

The *Baronagian* says, this first *Robert* married *Agnes Paynell*, who was Granddaughter to his Fellow-soldier, *Ralph Paynell*; that he built and endowed the Abbey of *Gisburne*, in the 29th of *Hen. 1st*. (i) That he obtained the Territo-

(b) *Lib. Nig.*

(i) *Bar. 447.*

ry of *Estrabannant* and other Lands from *David K. of Scotland*, who began his Reign *A. 1124*. That he with his eldest Son, *Adam*, was at the Battle of *North-Allerton* against the *Scots*, which was called the Battle of the *Standard*, and was fought *A. 1138*, before which Battle *Robert* having from his Youth been familiar with the *Scottish King*, had an Interview with him, to whom he made a very pathetick Speech, persuasive to Peace, which was obstructed by a Nephew of the King. (k) And lastly, that he died the 5th of the Ides of *May*, 1141, in the 6th of King *Stephen* (which was 75 Years after the Conquest) and was buried at the Abbey of *Gisburne* in *Yorkshire*.

Altho' I cannot say I have met with any thing contrary to these Particulars, yet will it not enter into my Head, that *Robert Brus*, who came in with the Conqueror, was the Man who married *Agnes Paynell*, or fought in the Battle of *North-Allerton*, and died in the 6th of *K. Stephen*, at which time (if he was but 25 Years of Age at the Conquest) his Years must have compleated a Century. And if his Age was 30 or 40 Years when he came over, (which may be as well supposed) his Thread of Life must have

(k) *Bar. 447.*

been spun out so much longer in Proportion.

But suppose him of what Age you please, he could not have been familiar with the *Scottish* King *David* from his Youth, because that King was not born till 11 or 12 Years after the Conquest, at least; for *Edgar Atheling*, the Heir to the *English* Crown, went into *Scotland* the 2d Year after the Conquest, with his Mother and Sisters, and it was two Years more, before K. *Malcolm* married the Sister *Margaret*, by whom, besides two Daughters, he had six Sons, of which *David* was the youngest; but the Son of the *Norman Robert Brus* (1) might very probably be intimate with him from his Youth, for after the Death of K. *Malcolm Canmor*, his Throne was usurped by his Brother, *Donald Bane*, and that Usurper forced to give way to another, a Bastard Son of *Malcolm*, called *Duncan*, who being murder'd by one *Macpender*, the supplanted Usurper remounted the Throne.

In the time of these Usurpations, the Children of K. *Malcolm* were shelter'd in *England* by *Edgar Atheling*, Brother of Q. *Margaret* their Mother, and the People of *Scotland* being impatient under the Yoke of the Usurper, sent an Invi-

tation to *Edgar* the 4th born, but eldest surviving Son of *Malcolm*, to accept of the Government. *Edgar* hereupon obtained Assistance from K. *William Rufus*, by which Assistance, supported by his loyal Subjects of *Scotland*, he successfully recover'd his Right.

One of the Name of *Brus* attended him in this Expedition, and most probably a Son of the *Norman*; for *Edgar* begun his Reign in the Year 1098, which was 32 Years after the Conquest. He generously rewarded the Services of his *English* Friends, among whom, as *Cambden* says, (m) who is always of superior Credit to the *Baronagian*, and particularly, in this Case, *Brus* had a Grant of the Lordship of *Anandale*, of which, according to *Dugdale*, the *Norman Robert* was possessed before the making up of the Books of *Domesday*.

This Acquaintance and his Merits might be leading to further Favours from the Brothers of *Edgar*, who was succeeded by his Brother *Alexander*, after whose Decease *David*, the 6th Son of *Malcolm*, ascended the Throne, in the Year 1134, which was 68 Years after the Conquest, who might, as a further Mark of Friendship, bestow upon *Brus* the Territory of *Estrabanant*, and other

(m) *Cambden in Anandale.*

Lands

Lands in *Scotland*; and not only Friendship, and Gratitude, but Self-interest would make *Brus* desirous of preserving Peace between *England* and *Scotland*; for by a War (all his Estates lying upon the Borders) whoever might be Gainer, he was likely to be a Sufferer. *Ailredus* says of *Robert* the Speechmaker, that he was *Grandævus, & Vir veterane Militie*, (n) which the Son of the *Norman* might well be, if 60 or 70 Years may ripen a Man into those Titles, But the *Norman* himself (who must, if living, have been then near 100 Years of Age) could not have adhered to *K. David* from his Youth, nor well be supposed either to obtain the Grant from him, or to have acted in the Battle of *North-Allerton*.

I shall therefore beg the Liberty (leaving every Man to his Opinion) to think that the first *Robert* died without publick Notice of the particular Circumstances of his Life or Death, and that all or most of the Actions and Charities attributed to *Robert Brus*, may belong to the Son of the *Norman*, which Son I take to be Father of *Adam Brus* of *Skelton*, and *Robert Brus* of *Anandale*, by his Wife *Agnes Paynell*, Daughter of *Foulk Paynell*, and Grandaughter of *Raphel Paynell*, or *Paganell*, who came

(n) *Ailred. de Rivall. 343.*

over with the Conqueror, and had a good part of his Estate in *Yorksire*, out of which his Son *Foulk* gave the Manor of *Carlton* with his Daughter in Marriage (o) which probably was the same *Carlton*, which was by *Dugdale* generously given to his Father before the making up of *Domesday*.

This second *Robert Brus*, in his Lifetime, gave his Lands in *Anandale* to *Robert* his younger Son, (p) who being thereby bound in Allegiance to the *Scottish* King, was in Arms against the *English*, undoubtedly at the Battle of the *Standard* (for the two preceding Brothers of King *David* had no Wars with *England*) where being taken Prisoner by his Father, he was by him presented to King *Stephen*, who, in a courtly manner, committed him to the Care of his Nurse (meaning his own Mother) an Expression properly suited to a young Man. (q)

Being then at home, and telling his Father they had no Wheat Bread in *Anandale*, his kind Father, to supply that Want, gave him the Lordship of *Hert*, and Territory of *Hertness*, in the Bishoprick of *Durham*, to hold of him and his Heirs, as of the Lordship of *Skelton*. (r)

(o) *Bar.* 448.
(r) *Ibid.*

(p) *Ibid.*

(q) *Ibid.*

This

This *Robert* Lord of *Anandale*, whom I call Grand-son to the *Norman*, died according to our Author, in the 8th or 9th Year of *K. Richard* 1st, which was about 132 Years after the Conquest; which is a further Confirmation of my Opinion. Besides *Anandale*, *Hert*, and *Hertness* (which he had in the Life-time of his Father) he had also Lands in *Yorkshire*; for in the *Black Book* published by Mr. *Hearne* (s) he is charged with 5, and *Adam Brus*, Son of his elder Brother *Adam*, with 15 Knights Fees in that County, both which have escaped the Notice of the *Baronagium*. But he acquaints us, that *Robert* paid five Merks in the 14th of *Hen. 2d*, in that County, (t) which must have been for his five Fees there.

This last named *Robert* is said by some to have been the Man who married *Isabel* (u) the first-born, or at least first married Daughter of *K. William* of *Scotland*; that she was Mother of his Son *William*, or (as *Crawford* says) *Robert*, but neither to this can I assent for several Reasons.

First (as I have observed) that Marriage was celebrated in the Year 1183, and the second Marriage of that *Isabel*

(s) *Lib. Niger.* (t) *Bar. 449.* (u) *Crawf. Peerage of Scotland, 70. Abercromby, 560.*

with *Robert de Ros*, was in the Year 1191; (x) whereas our *Robert* the Father of *Robert* and *William Brus*, was living 7 Years after the second Marriage.

Secondly, Our Author says, that, in the 9th Year of King *Richard* the 1st, A. 1198, soon after his Father's Death, (y) *William* paid a Fine of 20 Merks to be excused from going into *Normandy*; but had he been Son of this *Isabel*, he could not then have had above 13 or 14 Years, and not subject to any such Fine or Service.

The only Wife I have found of *Robert Brus* (z) the Father of this *William*, was named *Euphemia*. She joined with her Husband in a Grant of the Fishery of *Torduff* to the Monks of *Holmcultram*, which Grant was confirmed by *Robert Brus* the younger, and again by *William Brus*, whom I make no Scruple to call his Sons.

This *Robert* the younger also joined with his Father in a Grant of the Churches of *Moffat* and *Kilpatrick* to the Bishoprick of *Glasgow*, which Grant was made *cum consensu Roberti de Brus filii sui*.

I therefore think that this *Robert* the younger was Husband of *Isabel*,

(x) *Chron. de Mailros.*

(z) *Stevens Mon. f. 8. App. 286.*

(y) *Bar. 449.*

was elder Brother of *William*, and died without Issue. And this I think, not only because *William* inherited the Estate of his Father, (however omitted by *Crawford*;) but if *Robert Brus* the Competitor for the Crown of *Scotland*, had been derived from this *Isabel*, tho' he might probably have adher'd to his Claim under *Isabel* his Mother (who was Daughter of *David* Earl of *Huntington*) as nearer in Descent, and of unquestionable Legitimacy, yet it had been mere Effrontery in *Ros* to set up a Title under the other *Isabel*, in which he knew *Brus* must have stood before him. (a)

How long *William de Brus* lived, or whom he married, remain to me in the List of *Desiderata*; but if our Author *Dugdale* is right in his Vouchers, it is plain that *Robert* his Son was possessed of the Estate in the last Year of K. *John*, which was A. D. 1216.

Which *Robert*, whom our Author calls *Robert* the 2d of *Anandale*, (b) married *Isabel*, second Daughter of *David* Earl of *Huntington*, and one of the Sisters and Co-heirs of *John* surnamed the *Scot*, Earl of *Huntington*, and the last Earl of *Chester*. She was Cousin-German of the other *Isabel*, supposed to have been married to his Grandfather,

(a) *Crawf. Peerage of Scotland.* (b) *Bar. 450.*
which

which is some Weakening to that Supposition. By this Wife he had Issue, *Robert*, who, as *Dugdale* says, was one of the Justices of the Court of Common Pleas, in the 34th of King *Henry* the 2d. (c) One *Robert Brus* is indeed said to have been one of the King's Justices (d) about that time, but there is more Reason to think it was the Father than the Son.

Which Son was *Robert* the Third of *Anandale*, altho' he is not so distinguished by our Author *Dugdale*; he married *Isabel* the second Daughter of *Gilbert de Clare*, E. of *Gloucester*, in the Year 1240, the Bride being then under 13 Years of Age. (e) It is said he had Li-very of the Lands of his Mother's Inheritance in 36th of K. *Henry* 3d, when probably his Father was newly dead: (f) That after this he might be Governor of *Carlisle* I cannot deny, tho' it was a dangerous Trust to be lodged with a Subject of *Scotland*. That he took Part with K. *Henry* against that insolent Rebel *Simon Mountfort* and his Adherents, and was taken Prisoner with the King and other Great Men at the Battle of *Lewes*, is not to be questioned; and for the smaller Incidents of his Life taken

(c) *Bar.* 450. (d) *M. Paris*, 780. (e) *Vincent*, 220, 221. (f) *Bar.* 450.

from Records, I can form no Judgment of them for Want of Opportunities to inspect them.

I shall therefore hasten to what relates to the Pretensions on the Crown of *Scotland*, where King *Alexander* the 3d, who was Grandson of *William* the *Lion*, (so often here named) having buried his first Wife, Sister to our K. *Edward* 1. and made a second Choice; and having lost two Sons and a Daughter, *Margaret*, married to *Eric* K. of *Norway*, had the Misfortune to break his Neck from an unruly Horse, leaving only one Descendant, an Infant Granddaughter, named *Margaret*, after her Mother the deceased Queen of *Norway*.

Notwithstanding the remarkable Consequences which followed upon his Death, Historians are very ill agreed about the Date of that Accident; but I chuse to follow the Authority of Mr. *Simpson*, who is generally very exact. He fixes it on the 19th of *March*, 1285-6, in the 46th Year of his Age, and 37th of his Reign; after which the Nobles of *Scotland* swore Allegiance to his Grand-daughter the Maiden of *Norway* (as she was called) for whom a Marriage was proposed with Prince *Edward*, Son to K. *Ed.* 1. In order to which, Embassadors being sent from *Scotland*, found to their great Sorrow and Disappointment,

pointment, that she died about the time of their landing in *Norway*.

Upon her Death arose the great Competition for the Succession to the Crown of *Scotland*, which was unavoidably referred to K. *Edward*, who in the unsettled Condition of that Kingdom, on the sudden Death of their late King, taking advantage of the Proposal of Marriage, made it his first Business to get Possession of most of their Places of Strength: So that they were not in a Posture to dispute his assumed Title of Superior Lord of *Scotland*. Twelve Claims were set up under several Titles to the Crown, to raise a Dust, as it seems; for Ten of them vanish'd soon after their first Appearance, like Spirits at the Command of the Power by which they were raised. For altho' the Claimants were left at Liberty to prosecute their Petitions, they knew it would be to no Purpose.

The great Dispute lay between *Robert Brus* and *John Baliol*, Lord of *Galloway* in *Scotland*, which was his Mother's Inheritance, and of *Bernard Castle* in the Bishoprick of *Durham*. Our Author says, "That *Brus* alledged, that
 " he was the immediate Son of *Isabel*,
 " the second Daughter of *David* Earl
 " of *Huntington*, and that *John Baliol*
 S " was

“ was but the Son of *Devorgill*, Daugh-
 “ ter of *Margaret* the eldest Daughter
 “ [who was the Wife of *Alan*, Lord of
 “ *Galloway*,” so that he stood one De-
 gree nearer in Consanguinity [or De-
 scent] than *Baliol*. (g)

Thus far our Author was right. The
 whole Case was drawn into one Point,

(b) *An remotior in uno gradu in Succes-
 sione exiens de primogenita debeat se-
 cundum leges utriusque Regni excludere
 proximior in gradu exeuntem de se-
 cundo genita? vel proximior in gradu
 exiens de secunda genita debeat excludere
 remotior in uno gradu exeuntem de
 primogenita?*

This Question, shaped in Favour of
Baliol's Pretension, being made the Hinge
 of the Cause, and publickly proposed to
 the Nobility and Prelacy of both King-
 doms, to all the Council and Auditors,
 it was unanimously answered, that in all
 hereditary Successions, the more remote
 in one Degree lineally descending from
 the First-born, according to the Laws
 and Customs of both Kingdoms, was to
 be preferred before the nearer in Degree
 issuing from the Second-born.

Hereupon *Brus* joined with *Hastings*,
 another of the Competitors (of whose
 Claim our Author has taken no notice

(g) Bar. 450. (h) Pryne Edu. 1. 514.

in his Article of that Family) his Title being derived from *Ada* the youngest Daughter of Earl *David*. He claimed only a third Part of the Kingdom as a partable Inheritance, with which *Brus* falling in upon the Verdict against him, each of them put in his Plea or Petition for a Third Part, upon that Allegation; and according to Mr. *Rymer*, *Baliol* petitioned in the same manner: But this being over-ruled, the King proceeded afterwards, 17 *November* to give Judgment, That *John Baliol* should recover, and have Seisin of the Kingdom of *Scotland*.

You have here a short Report of the Case. But our learned Puzzle-cause, after the Allegation of *Brus*, that he stood one Degree nearer than *Baliol*, goes on thus. (i) "Whereunto *Baliol* replying, "that by reason his Mother, who was "next Heir could not reign, the Right "was adjudged to him by the Forty "chosen Peers, viz. 20 of *Scotland*, and "as many of *England*." Some Lines after which, he proceeds as follows. "It is "said by others, that the Claim of our "Robert was grounded upon certain "Expressions made by *Alexander* King of "Scotland, Son of *William* before-mentioned, who despairing of Issue of his

(i) *Bar. ubi supra.*

“ own Body did, in the Presence of di-
 “ vers Persons, declare him to be his
 “ Heir.

How convincing soever the Reply which the *Baronagian* has learnedly framed for *John de Baliol* might appear, either to him or his Forty Peers of his own Creation, I know not who will now be able to discover in it any Cogency of Reasoning : For the Question, Whether *Baliol's* Mother was next Heir, or not, is not very clearly decided by a bare Allegation ; and by admitting her Incapacity of Reigning, he has in a manner given up the Cause. For if she was incapable of Reigning, what Title could he derive from her ? Nor has he done more Justice to *Brus*, in leaving his Title dubious, whether it was in Right of his Mother, or upon some Expressions made by King *Alexander*, for which latter he gravely cites the *Claim-Roll* in the *Tower*, and this (which is not there to be found) is all he pretends to take from that noble Monument of Antiquity, which contains an Entry of all the Proceedings on that great Transaction. And this, Sir, I hope, amply proves how well our learned Author understood the Nature and Use of Records.

For whereas *Baliol* desired to be decided according to the Laws of *England* in other Successions, (k) *Brus* insisted, that he being the Son of the second Daughter, ought to be preferred to the Daughter of the first-born, according to the Law of Nature, and the Custom of the Kingdom of *Scotland*, in Descents of the Crown, different from the Law in private Cases, of which Custom he adduced several Precedents; and as a Confirmation of his Title, he alledged, that it was acknowledged by King *Alexander* the 2d, before the Barons of the Realm; that, in the same manner, King *Alexander* the 3d acknowledged him to be Heir to the Crown, upon Failure of his own Issue; and that these Parliamentary Settlements, or Recognitions, were made with the Knowledge of *Devorgill* the Mother of *Baliol*, and without any Opposition from her.

That the Custom of that Kingdom, in Descents of the Crown, was different from the Law in private Cases, appeared not only, as having always before that time preferred the Succession of Collateral Males before Females in Lineal Descent, but in wisely preventing the Kingdom from being crumbled in Pieces, as a partable Inheritance: And

(k) *Prynne Edw. 1. 520.*

perhaps *Bruce's* Petition for a Third Part might be rather intended to clear that Point, than with any Thoughts of getting the Third.

By these Arguments of *Brus*, it may seem, as if the wonderful Unanimity which outwardly appeared in the Answer returned to the Grand Question, did not so much result from any deliberate Consideration of the Case, as from some other Motives. However it was, if *Edward's* indirect Dealing and Partiality was so displeasing to others, that he was smartly reprehended by his own Son-in-Law, the Earl of *Gloucester*, the Judgment could not be very pleasing to *Brus*, who thought himself thereby aggrieved, and shew'd his Resentment so far, that he openly refused to do Homage to the new King.

But before the Judgment, *Brus* foreseeing the Event, and being then very ancient, and not fit to undergo the Fatigues of prosecuting his Right in another Manner, it appears by an Instrument dated at *Berwick* the 7th Day of *November*, being the Morrow after the Feast of *St. Leonard*, which was the Day after the Verdict, before his Title could be judicially defeated, that, (1) by the Name of *Robert de Brus*, Lord of *Anan-*

(1) *Vincent*, 255.

dale, he granted and "released to his
 " dear Son *Robert* Earl of *Carrick*, and
 " his Heirs, all the Right and Claim
 " which he had, or could have, to ob-
 " tain the Kingdom of *Scotland*; with
 " full Power to demand the same, and
 " prosecute his Right in such Manner
 " as he should think convenient." Which
 Instrument was witnessed, and therefore
 not disapproved by the Earl of *Gloucester*.
 At which time, the Earl of *Carrick*
 released to his Son, Grandson to
 the Competitor, the County of *Carrig*,
 and all the Estate which had been his
 Mother's, (m) which Release was plead-
 ed the next Year in the Court of *John*
de Baliol, when the Father was upon
 his Travels.

But let us hear the *Baronagian*, as to
 the Behaviour of *Brus* the Competitor,
 after his Refusal of Homage to the new
 made King. (n) He says, that "there-
 " upon he gave up all his Lands in *Anan-*
 " *dale* to *Robert* his eldest Son, begot-
 " ten on the Sister of *Gilbert de Clare*
 " Earl of *Gloucester*, who also refusing
 " to do the like Homage, he said to
 " *Robert* his second Son, begotten on
 " the Daughter of the Earl of *Carrick*,
 " Take thou my Land in *Scotland*;

(m) *Rymer* 1. 614. (n) *Bar.* 450.

“whereof accepting, he did his Homage
“accordingly.

What a Bundle of Mistakes is here
fagotted together, without any Mixture
of Truth? The Wife of *Brus* the Com-
petitor was not Sister to *Gilbert*, but
Richard Earl of *Gloucester*, and Aunt
to *Gilbert*, who married the Daughter
of King *Edward*; nor had the Compe-
titor *Brus* any Son by the Daughter of
the Earl of *Carrick*, who never was
married to him, but to his Son; nor
was any younger Son of his ever posses-
sed of his Lands in *Anandale*, the old
Gentleman himself retiring to that Estate
after the Contest; and notwithstanding
his Non-performance of Homage or Al-
legiance to the new Idol of a King, en-
ded his Days in Peace at *Lochnaban* in
his Lordship of *Anandale*, in the Year
1295, and slept with his Father and
others of his Ancestors in the Abbey of
Gisburn. (o)

I was under some Difficulties in finding
out the Countess of *Carrick*, who was
the Wife of his Son, some calling her
the Daughter, and others the Widow of
the Earl of *Carrick*; but as far as I can
discover, she was both, being sole
Daughter and Heiress of *Niel* Earl of
Carrick, and being first married to *Adam*

(o) *Knighon*, 2057.

de

de Kilcontach, who in her Right was stiled Earl of *Carrick*. (p)

By some Writers she is called *Martha*, and by others *Margaret*, which Variation may proceed from some Mistakes in the Abbreviations of the old Vouchers or Copies. Her first Husband, *Adam*, with *Robert Brus*, Son of the Competitor, and other Noblemen, accompanied Prince *Edward*, afterwards K. *Ed. 1.* in his Expedition to the *Holy Land* in the Year 1270, from whence *Adam* never returned, but died at *Acon* without Issue.

His Comerade, *Robert Brus*, being born under more auspicious Stars, returned safe home, and soon after marrying the Widow of his Friend, was in her right stiled Earl of *Carrick*, at and before the time of the Competition.

That the eldest Son of *Brus* the Competitor was Earl of *Carrick*, plainly appears by the Deed of Grant and Release lately cited, which no Man can ever think was made to a younger Son. We find also in the Procefs of the Great Cause, the Competitor by the Name of *Robert Lord of Anandale*, and another *Robert Brus Earl of Carrick*, is frequently mention'd; but there is no Appearance of any elder Brother. We are also ob-

(p) *Crawford.*

liged

liged to the *Baronagian* (q) for an Agreement dated at *Turnbury* in *Carrick* [a Seat of the Earl] on the Eve of Saint *Matthew* 1286, between *James Stewart* of *Scotland* and his Brother and Uncles, *Robert Brus* Lord of *Anandale*, (afterwards Competitor) and his two Sons, *Robert* Earl of *Carrick*, and *Bernard Brus*, *Patrick* Earl of *Dunbar* and his three Sons, *Enegufius*, *Fitz-Donald*, and his Son) whose Estates all lay in the South and South-west Parts of *Scotland*) on the one Part, and *Richard* Earl of *Ulster*, and *Thomas de Clara* (both of the North of *Ireland*) for a mutual Assistance against all Persons, saving their respective Allegiance to the Crowns of *England* and *Scotland*, Which Treaty was made within Six Months after the Death of K. *Alexander* the Third, to guard against any ensuing Disturbances, and tho' it was never put in Execution, it makes one more Evidence to prove who had then the Title of Earl of *Carrick*, and consequently who was Husband to the Countess in whose Right that Title was acquired.

If there had been an elder Son of *Brus* the Competitor, he would certainly have been a Party to this Agreement, in which he would have had a greater

Concern than the younger Son *Bernard*, of whom our Author takes no further Notice, after having thus introduced him; but it ought to be observed, that from him are derived the Family of our famous Antiquary, Sir *Robert Cotton* in *Huntingdonshire*, and the *Harringtons* in *Rutlandshire*. (r)

I have already mentioned, that *Brus* the Competitor died in the Year 1295, having, a few Months before his Death, by his Charter dated at *Lochmaban*, on the Feast of *St. Lucia* (13 Dec.) 1294, confirmed a Grant of Fisheries and Salt-pits to the Abbey of *Holmcultram*; to which Charter (s) *Robert de Brus*, Earl of *Carrick* (who must then be the Grand-son) with his Friend *Roger de Kirkpatrick*, and others, were Witnesses. The Day of the Competitor's Death, according to *Knighton*, was in *Cena Domini*, (t) which, by the *Dugdalian* Interpretation, is called *Good Friday*, (u) but by better Expositors is rendered in *English*, *Maunday Thursday*. On which of these Days the Man died, is of no great Importance; but surely the *Baronagian*, in not distinguishing the Day on which our Lord might be supposed to have received his *Viaticum*, or last Pre-

(r) *Cambd. Brit.*
App. f. 286.

(s) *Stevens Mon. Tom. 2.*
(t) *Knighton, 25.*

(u) *Bar. 430.*
paratory,

paratory Supper, from that of his great Catastrophe, has made an Addition to the many Instances of his misusing his Authors, and of a signal Defect of Care or Knowledge.

But if he slumber'd a little over this Matter, he was surely fast asleep in that which follows, where speaking of this Competitor, he says, (x) " In this Business of the Competition, it is also said, that he bore himself very bold to his Kinsmen in that Realm, and sent specially for *John Comyn*, another of the Competitors, to meet with him at the *Grey Fryers* in *Dumfries*, where telling him his Mind, he bid him take his Inheritance of *Carrick* [which never was his] and assist him to be King of *Scotland*; or let me have thine (quoth he) and I will help thee to be King: And that *Comyn* not consenting thereto, was slain, as also his Uncle, who then struck this *Robert* such a Blow, that, had he not been well harness'd, he had been likewise slain.

Could any Man with his Eyes open dream in this manner? Is there one who looks into the History of those Times, but knows, that *John Comyn* of *Badenach* was killed at *Dumfries* in the Be-

OFF. 100 (11)

(x) *Bar.* 430.

ginning

ginning of the Year 1306; and our Author has told us, (and very truly as it happens) that this Competitor died in the Year 1295. Now, dear Sir, is it not very miraculous, that his Disappointment should make him as blood-thirsty as a *Vampire*, and that after about ten Years he should steal out of his Grave, with a malicious Design to commit Murder?

But, upon the Credit of the *Baronage*, it might be questioned whether he lay so long at Rest in his cold Lodging; for the second-sighted Author of that Work has discover'd something of his Name, assuming the Title of King of *Scotland*, in the 24th of *Edw. 1.* (y) the next Year after his Decease, and has summon'd one *Eustace Hacche* to march into that Country against him. Whether *Eustace* blew him into the Red Sea, or drubb'd him back into his Burrow; how he appear'd, or how he vanish'd, I give my self no Trouble of thinking; but it could be only a Phantom of a King; for we shall soon find, that not only his Son, but his Grandson, who about ten Years afterwards did assume the Title of King of *Scotland* to some Purpose, were at this time engaged in the Service of the *English* King, and admitted to a share of his Favour

(y) *Bar. Tom. 2. f. 19.*

and

and Confidence. *Baliol* was indeed deposed in this Campaign, and perhaps some Persons, not forward to believe Stories of Goblins and Spectres, may be apt to throw this upon the monstrous Heap of the Author's Blunders and Mistakes.

The same accurate Writer further says, that *Brus* the Competitor left a Wife, *Christian*, surviving him. (z) But who this Wife, *Christian*, was, I confess I am unable to resolve, her Father, Mother and Descent, being as much, concealed from me (and I believe from him also, as those of *Melchisedeck*. 'Tis said indeed, that he had a Daughter *Christian*, who was married to *Patrick* Earl of *Dunbar* and *March*, Father, as *Crawford* says to another of the same Name, who was also a Competitor under a Title from his Grand-mother, *Ada*, second Daughter of K. *William*, on which Title (tho' a crack'd one) he insisted to the time of his Death, which was about a Year before the Competitor *Brus* went the same way.

To come now to his Son *Robert* the 4th Lord of *Anandale*, by our Author called the Third, he does not seem to have exerted his Claim to the Crown of *Scotland*, either by his Grant or Descent from his Father; there were several pre-

(z) *Bar. ibid.*

vious Steps to be taken. He first got Livery of his Lands in *England*, (a) and in *July* 1293, (b) next after the Judgment, he obtained a Licence from K. *Ed.* to travel into *Norway*, to continue to *Michellmas* following, and for a Year afterwards, which perhaps might be to keep out of the way of Suspensions.

In the 25th of *Ed. 1.* after the Death of his Father, a Writ was issued acknowledging his constant Fidelity, and commanding Livery of his Lands in *Scotland*. (c)

In this Writ he was called *Robert de Brus, Senior* (in regard of his younger Brother, the Earl of *Carrick*, says *Dugdale*. (d) He is so fond of this imaginary Cadet Earl, that he cannot part with him: But if such an one had been in the Land of the Living, and possessed of those Lands by Grant from his Father, and had done his Service and Allegiance, the elder Brother would not easily have recover'd his Inheritance.

That he was then distinguished by the Addition of *Senior*, appears not only by this Writ, but upon the Record of Allegiance to King *Edw.* the 1st, in the 24th Year of his Reign. We find, among the great Numbers of *Scottsman*

(a) *Bar.* 450. (b) *Bar. ibid.* (c) *Rymer* 1. 612. (d) *Bar. ibid.*

who

who then submitted, the Names of *Robert de Brus*, Senior, and *Robert de Brus*, Junior, Earl of *Carrick*, (e) who was the Son, and not the Brother of *Robert* the elder, and then by Release from his Father, and Inheritance from his Mother, had a good Title to that Earldom, which during his Minority had been held by his Father, as the Earldom of *Gloucester* was by *Mountbermer* in the Minority of *Gilbert de Clare*, (f) of which Cases several others might be produced.

This *Robert Brus* the elder carried so fair to King *Edward*, that soon after his Father's Death he was entrusted with the Government of *Carlisle*, in which Trust it appears above, that he had behaved to Satisfaction, the Kingdom of *Scotland* at that time being so totally subdued, and his Rival *Baliol* ruling there as a kind of *Vice-roy*, that it was not only vain, but dangerous, to act in any other manner. He was summoned to the *English* Parliaments, and attended King *Edward* in his Expedition into *Scotland*, in the Year 1296, to chastise *Baliol*, who being tired out by *Edward's* repeated Insults, both upon him and his Country, had entered into a

(e) *Prynne Edw.* i. 683.

(f) *Bar.* 217.

League with *France* against the King of *England*, who then trusted *Bruce* so far, that on the 14th of *May*, a Writ was directed to him, to receive into the King's Peace, such of the *English* and *Scottish* Inhabitants of *Annandale*, as were willing to submit, and a like Writ to his Son for the County of *Carrig*. (g) but the *Scottish* Writers tells us, (h) that *Brus* was wheedled by the Promises of *Edward*, that he would dethrone *Baliol*, and make him K. of *Scotland*. But after the Battle of *Dunbar*, and other Successes much owing to *Brus* and his Friends, when *Baliol* was Prisoner, and that Kingdom reduced, *Bruce* reminding K. *Edward* of his Promise, could obtain nothing but a sneering Answer, *Do you think we have nothing to do but to conquer Kingdoms for you?* (i) This might cause a Heart-burning, so that from this time forwards there is no Appearance of any cordial Affection between K. *Edward* and him. We do not find that he was summoned to Parliament after this Year. Our Author indeed says that he was in the Expeditions into *Scotland*, in the 26th, 27th, and 31st Years of K. *Ed.* 1. all which I am apt to question: And the rather, for that he came to a new Submission the 9th of *July* (g) *Aber. T.* 1. 428. (h) *Rym. T.* 2. 714. (i) *Aber.* 493.

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in

in the next Year, 25 *Ed.* 1. with Recognizance of three of his Friends, that for his good Behaviour, he should deliver his Daughter *Margery* as a Hostage; whereupon in *November* following he was received again to Peace,* and probably then had the Benefit of his Writ of Livery.

He might indeed be afterwards summoned upon his Military Tenures. But if he did his Service in Obedience to the King's Writs, he was but ill rewarded: (k) For before the Battle of *Falkirk* in the 26th of *Edw.* 1. which was 1298, *Robert Clifford* marched from *Carlisle* into *Anandale*, at the Head of 20,000 Men; and as soon as they had passed the Water of *Solway*, which was its Boundary, it was proclaimed at the Head of the Army, That they should do no good to any but themselves.

There was no Fear but the Soldiers would take that ample Licence in the most extended Sense. The Vanguard killed some of the Inhabitants, and shut others into a Marsh, till the Foot came up, who kill'd above 300 of them, and took several Prisoners, and then returning to their Prey, ravaged the open Country, and burnt Ten Villages which the Ancestors of *Brus* had given to the *Abbey* of *Gisburne*, after which they re-

* *Rymer Tom.* 2.

(k) *Knighton*, 2522.

turned

turned to *Carlisle* laden with the Spoils of the poor People, and bringing several of them away Prisoners; and afterwards they made another Inroad the same way, in the Beginning of *Lent*, burnt the Town of *Anand*, and carried off another Cargo of plunder and Captives. (l)

Where *Robert Brus* the elder then was, I know not; but he seems to have been about home; for his Son the E. of *Carrick* being in the *English* Service, it seems to be he who, after the Battle of *Falkirk*, upon the Return of the victorious *English* Army homewards, burnt and deserted his Castle of *Are*, and had his Castle of *Lochmaban* seized by the Conquerors. (m)

These were but odd Love-Toys, and therefore I cannot think the *Bruces* were so obsequious to K. *Edward*, as they have been generally supposed: But where or howsoever this *Robert Bruce* spent his later Days, he died in or not long before the 32d Year of *Ed.* the 1st (1304) and was buried in the Abbey of *Holmcultram* in *Cumberland*.

If *Dugdale* was to be believed, he died Childless, for he says he left *Robert de Brus*, Earl of *Carrick*, his Brother and Heir, 23 Years of Age, who had Livery of his Lands, and afterwards was King of *Scotland*.

(l) *Knignton, ibid.*

(m) *Ibid. 2527.*

But *Robert Brus*, who died in 1304, left a numerous Issue, Five Sons and Eight or Nine Daughters; his eldest Son was Earl of *Carrick*, who when King of *Scotland*, gave that Earldom to his second Brother *Edward*; the three younger were *Niel*, *Thomas*, and *Alexander*, who was Dean of *Glasgow*.

But all the four younger Sons were unfortunate, the three youngest falling into the Hands of *Ed. 1.* in the opening Flower of their Youth, were (with his usual Humanity) cropped by the Hands of the Executioner! *Niel* at *Berwick* in the Year 1306, *Thomas* and *Alexander* at *Carlisle*, in 1307. The second Son, *Ed.* Earl of *Carrick*, after the Battle of *Strirling*, went into *Ireland*, in the Year 1315, to give a Diversion to the *English*, and assist the Natives in shaking off the Yoke, under which perhaps they had but too much Occasion to groan. He was successful in several Actions, and crowned King of *Ireland*. But in the Year 1318, in a Battle, near *Dundalk*, was routed and kill'd: After which his Head and mangled Carcase were dispersed and exposed, according to the Mode of those times. (n)

From these melancholly Objects I return to the more fortunate eldest Son, the

(n) *Annals of Ireland.*

Great

Great *Robert Brus*, the Fifth of that Name of the Family of *Anandale*, and Seventh in Descent from *Robert* the *Norman*. As Heir to his Mother, he was Earl of *Carrick*; from his Father he was Lord of *Anandale* in *Scotland*, with *Hert* and *Hertness*, and other Seignories in *England*; from his Great Grand-mother had a Title to the Crown of *Scotland*, which he was resolved to prosecute; towards which his own Years, Bravery and Resolution, with the Courage and Honesty of a small depressed loyal Party, was all he had to depend on, in Opposition not only to a potent, wise, magnanimous King, who had thrice subdued that Realm, and to outward Appearance crushed all his Opposers there, but to the Jealousy and Envy of many of the great Men of his own Nation. But all these Difficulties were but Spurs and Incentives to a Man who was absolutely fond of Glory, fearless of Danger, and passionately bent upon rescuing the Liberties of his Country. But the steep craggy Mountains in his way were to be ascended with Caution, and where he could not proceed in a direct Course, he was obliged to make such *Detours* as were necessary to attain his Journey's End.

His Submission to *K. Edward* in the Year 1296, with his Father and most

of the considerable Men of the *Scottish* Nation, has been mentioned; and the next Year the *English* Justices summoning the *Scottish Non-Jurors* to take the Oaths, and outlawing or banishing all such as refused them, very narrowly escaped from being surprized by the provok'd *Scots*, who afterwards committed other Hostilities. Upon which the Earl of *Carrick* being suspected, he was sent for by the Bishop of *Carlisle*, and other Officers of *K. Ed.* to whom he took repeated Oaths. After which, as a further Proof of his Fidelity, he enter'd upon, and wasted the Lands of the loyal Sir *William Douglas*, who was one of the few inflexible *Non-Jurors*, and carried his Wife and Children into *Anandale* (perhaps to preserve them out of worse Hands) and it seems to have been so taken, for Sir *James Douglas*, after the Death of his Father Sir *William*, who died confined, but not subjected by the *English* King, was one of the small Party who adhered to *Brus* upon his Accession to the *Scottish* Crown, and continued his *fidus Achates* thro' all the Vicissitudes of his Life.

But in private, the Earl of *Carrick*, to his Father's Followers and Tenants, excused the Weakness of his Compliance, by the Necessity of his Affairs, assuring them of his immovable Affection, and desiring

desiring their Assistance and Advice, but met with small Encouragement at that time. (o)

Fear of the *English*, more than Want of Affection to him, kept them so close. They found how subject they were to be over-run and plunder'd, which they did not avoid by this Modesty; for in *August* the same Year, *Henry de Piercy* was sent by *Earl Warren* into *Anandale*, with upwards of 40,000 Men, where sleeping securely at and about *Lochmaban* they were alarmed at Midnight with a Cry, that the *Scots* were upon them: Whereupon firing the Houses where they lay, they run away by the Light, and marching from thence to *Are*, to offer Peace to the Men of *Galloway*, removed their Camp upon such another Alarm to the Country near *Irwin*. But after all, the *Scots* being too weak to hazard an Engagement, several of them came in and submitted. (p)

Thus far the *Earl of Carrick* stood fair, and in the next Year 1298, served in the Army against the *Scots* (notwithstanding the Havock made upon his Father's Estate) and had a Share in the Victory at *Falkirk*. But his acting there, was more out of some jealous Apprehensions of *Wallace*, than any Affection to

(o) *Knighon*, 2514.

(p) *Ibid.* 2516.

Edward. The gallant *Wallace*, who was a Man of uncommon Strength of Body, and greater Fortitude of Mind, having, upon a great Number of daring Enterprizes in Defence of the expiring Liberties of his Country, attended with amazing Success, been chosen Guardian or Regent of the Kingdom, had render'd himself the Darling of the Populace, and the common Subject of their rude Poetry. *Brus* was not without some Fears that *Wallace* might make the Affections of the People a Step to the Throne; he therefore acted with his natural Vigour upon this Occasion. The *Scottish* Generals, by Differences among themselves, and by the Treachery of *John Comyn* and others, who being corrupted by *Edward*, deserted the Field without fighting, had so much weaken'd and dishearten'd the Army, that they were obliged to give way to the superior Force of the Enemy. Whereupon, the Earl of *Carriek*, with his Followers, wheeled about towards the Rear of *Wallace's* Troops with Intention to intercept his Retreat; which the other timely preventing, he put himself upon the Pursuit, and coming to the Bank of the River *Carron*, which *Wallace* had passed, and put in his Front, making a Stand there to secure the Retreat of his broken Forces, *Brus* called to him cross
the

the River, expostulating with him, " How
 " he could hope to obtain the Crown of
 " *Scotland* against a most potent Adver-
 " sary, and an envious Nobility, with-
 " out any Dependence but on the Com-
 " monalty, (who would follow or leave
 " him, according to the Success of his
 " Fortune, by which he was now de-
 " serted." To which the brave *Wallace*,
 always uniform and like himself, replied;
 " That he had not acted with any
 " Thoughts of the Crown, to which he
 " had no Title, nor could ever deserve
 " or desire it; that he scorned the
 " Name of an Usurper: That his Sole
 " End was to deliver his Country from
 " Oppression and Slavery; and had the
 " Nobles but remained unactive, and
 " only suffered their Tenants to come
 " into him, he could instead of 10,000,
 " have had ten times that Number of
 " fighting Men, and would not have
 " doubted of driving the *English* out of
 " *Scotland*. That this ought to have
 " been his Part, who had a Title to the
 " Crown, which if he dared to attempt,
 " he might win with Glory, and wear
 " with Justice. But if he had rather re-
 " main a Slave, he might take his Choice.
 " But for his own Part, tho' his good
 " Design was frustrated by the Jealousy
 " and Envy of the Nobles, he was re-
 " solved

“ solved to live and dye free, and never
 “ submit to any foreign Power, caution-
 “ ing him withal, that if ever he went
 “ about the Recovery of his Right, he
 “ should beware of the formidable
 “ Power of the Comyns. (q)

These generous Sentiments, uttered with such Noble Air of Sincerity, must sink into the Breast of any Man, much more of one who had so near a Sympathy of Soul; nor was it long before some Effects appeared: For *Wallace* finding it in vain to contend against a superior Force with his Hands tied by the Envy of the Nobility of his own Country and Party, laid down his Command, which was soon after conferred upon his treacherous Associate *John Comyn*.

This *Comyn* was Son to *John Comyn* Lord of *Badenach* by his Wife *Marjory*, Sister to *John Baliol*, Titular King of *Scotland*. The Father had been one of the Claimants of the Crown, at the time of the Great Competition, upon a remote ill grounded Title from *Donald Bane* the Usurper, of equal Validity with many others then set up and encouraged, and as easily quash'd. But the Son might perhaps feed himself with Hopes, that upon the Abdication of *Baliol*, he might have room to set up a new Title from

(q) *John Major, Abercrombie, Hollingshead.*

his Mother, as Heiress to her Grandmother *Devorgill*, passing by the abdicated King and his Son *Edward*, as if they had never been. Such a Claim indeed could not in any Degree stand in Competition against *Brus*; but *Comyn* was a Man of great Interest, and if he could have seated himself upon the Throne, Power has such a strange Effect upon Law, that he would not have been unfurnished with a Title.

However, when *Comyn* had taken upon him the Office of Regent, or Guardian of that Kingdom, the Earl of *Carrick* joined with him, and the Bishop of *Saint Andrews*, Bishop of *Glasgow*, Sir *Simon Fraser*, and others, who repined to see their Country subject to a Foreign Yoke, but without any open Assertion of his Title to the Crown, which at that Juncture would only have occasioned new Ruptures to the Prejudice of the common Cause.

About 5 Years they carried on an unequal Contest against the K. of *England*, by the help of two short Truces and the Intercession of the *Pope* and the *French King*: But in *February* 1304, *Comyn*, for himself and his Assistants, concluded a Treaty with *Edward's* Commissioners, submitting upon Safety of Life, Limb, and Estate, subject to Fines and Ransoms,

soms, with an Exception of some Persons, of which Number was the inflexible *Wallace*, whom *Edward* finding neither to be subdued by his Sword, nor corrupted by his Bribes or Promises, he found one of a different Temper, Sir *John Monteith*, whom he hired to betray his Friend, and forfeit his own Honour, by letting in a Party of *Edward's* to surprize him in his Bed, as he lay near *Glasgow*, by which Snare the Lion being taken, he was hastily dispatched, being hurried up to *London*, and tried at *Westminster* the 23d of *August*, (r) within 8 or 9 Days after his Surprizal: And altho' he had never submitted to *Edward's* pretended Superiority, nor ever paid or owed him any Allegiance, was condemned and executed as a Traitor, with the most horrid Circumstances of Ignominy and Barbarity. Thus fell the brave *Wallace* a Martyr to his own Honour, and the Liberties of his Country. But there was Glory in the Scandal of his Cross, and by his own Virtues the base Trafficking and unmanly Cruelty of *Edward*, and the Treachery of the vile *Judas Monteith*, his Name and Memory will be conveyed with Honour to the latest Records of Time, in spite of all

(r) *Stow.*

the

the false idle Calumnies of our Monkish Historians.

But to descend to more common Affairs. About six Months after *Comyn's* Treaty in *September* 1305, Commissioners of both Nations were appointed to advise about settling the Government in *Scotland*. The Earl of *Carrick* being named for one, and upon the Settlement was intrusted with the Nomination of a Governor of *Kildrumyn* Castle, for whom he was to be responsible, and about this time he had Livery of his Lands in *England*. (s)

By this Agreement most of those *Scotsmen*, who had acted with *Comyn*, compounded for their Estates, to which Composition some were admitted at 2, others at 3, 4, or 5 Years Purchase, and the Civil Government was put into the Hands of Persons appointed by *Edward*, who without question thought he had hereby finished his Work in that Kingdom.

Their Laws being changed, the whole Frame of their Government dissolved, their publick Records destroy'd, their *Regalia* seized and carried away, their Persons and Families insulted and harassed by the *English* Soldiery, and Civil Officers, the conscientious *Non-Jurors* banish'd or outlawed, and great Numbers

(s) *Bar. Pryne* 2. f. 1056.

detain-

detained in several Prisons, where many of them ended their Days, and the active Men laid under these heavy Compositions, what Resistance was to be expected from a depressed Party and People? But all these Severities, Cruelties, and Oppressions, instead of subduing the honest *Scots* of that Age, aggravated and inflamed them in such a manner, that by their Actions and Sufferings, they afford one of the most shining Instances in History of what Wonders may be done by a poor ruined People, animated with Resentment, endued with Virtue, and armed with Resolution, in Defence of their just Rights and Liberties, against the strongest Force of Usurpation, Tyranny and Oppression.

Their Noble Struggles under the Conduct of their great Leader Sir *William Wallace*, remain bright in History; but having lost that Heroe, and their next Regent *Comyn*, having been unable to maintain his Ground, notwithstanding the surprising Success of the Battle of *Roslin*, their only remaining Hopes were center'd in the Conduct and Government of *Brus*, whose Title they acknowledged, and whose Bravery they admired; who on the other side was no less ready to vindicate his own Right, and attempt the Relief of his Country. But he knew the

the Power and Interest of the Lord of *Badenach*; therefore, in the first Place, he endeavoured to gain him to his Party: To which purpose he enter'd into a written Agreement, whereby *Comyn* engaged to assist him in the Recovery of his Right to that Crown, which if obtained, *Brus* was to make over to him and his Heirs all his own private Estate in *Scotland*, (which was very considerable) and gratify him with other Favours, which would have made him the second Person in the Nation. (1)

But *Comyn* intended another Use of this Agreement, he could bear no Superior, and hoped by this to put the only Person out of the way, who was capable of obstructing his ambitious Designs: *Brus* soon after taking a Journey into the *South*, probably to settle the Affairs of his Estates in *England*, and possibly also to concert Measures with his Friends there, *Comyn* sent up his Part of the Writing to *K. Edward*, advising him to secure *Brus*, and thereby prevent further Disturbances in the Kingdom of *Scotland*.

Upon this, *Brus* was sent for by the King, who charged him with the Fact, and produced the Writing in Evidence. *Brus* had no Resource but a hardy De-

(1) *Abercr.* 1. 568.

nial; he boldly affirmed the Accusation to be a Contrivance, and the Writing a Forgery, which he undertook to prove, if he might have time till the next Day.

This Firmness seems to have stagger'd *Edward* in his Opinion. He had before felt the Temper of *Comyn*, and could not think him incapable of Treachery or Contrivance; nor was it difficult to guess at some Reasons *Comyn* might have to be no cordial Friend to *Brus*; upon which he consented to the Time desired, and as some say, put the Writing into his hands, the better to enable him to make his Defence.

But the Event of that might have been hazardous. It is probable the Matter was further consider'd in Council, where it might not be thought proper to take too little Notice of *Comyn's* Information. The Result seems not to have been much in Favour of *Brus*; for that Evening, from an unknown Friend, by way of Present or Payment, were sent to him some Pieces of Money, and a Pair of Spurs. (u)

This kind Advertiser is by *Buchanan*, and the admired *Rapin*, called Earl of *Gomer*, which *Dr. Mackenzie*, *Scot*, and others have changed into an Earl of *Montgomery*, (i) tho' there was no such

(u) *Abercr.* 369.

Earl, either as one or the other, at that time in *England*. The printed Copies of Bishop *Lesly* say, the Presents came a *Comite Gloumerensi*, which undoubtedly should be *Glovernienfi*, (x) and *Hollingshead* in plain *English* calls him Earl of *Gloucester*. *Abercrombie* and *Tyrrell* attribute the Favour to the Earl of *Gloucester* his Brother-in-law; (y) but neither was there then, or ever, any Earl of *Gloucester* so nearly allied to him. His Grandfather married *Isabel* Daughter of *Gilbert* the first Earl of *Gloucester*, of the *Clare* Family, whose Son *Richard* and Grandson *Gilbert* the Red, were dead long before this Incident, and the Son of the last *Gilbert* was in his Infancy, during whose Minority *Ralph de Monthermer*, who had married his Mother, K. *Edward's* Daughter *Joan*, Relict of *Gilbert* the Red, enjoyed that Title. He had served with *Brus* in *Scotland*, might probably have contracted an Acquaintance with him, and might take this Method to warn his Friend of his Danger, without betraying the King's Counsels.

Which Piece of Service seems to have been gratefully remembered; for about seven Years after *Brus* had acquired the Crown of *Scotland*, having taken *Monthermer* Prisoner at the fatal Battle of

(x) *Hollingshead*.

(y) *Tyrrell*. *Abercr.* 569.

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Barnocksbourn, (where his Son-in-Law then at Age, and Earl of *Gloucester*, lost his Life among several others of the *English* Nobility) he generously dismissed him without Ransom, notwithstanding that in the unhappy beginning of his happy Reign, *Montbermer* had obtained a Grant from *K. Edward 1.* of the Lordship of *Anandale*, as a forfeited Estate, and having been routed by King *Robert* in the Field, took Shelter in his Castle of *Ara*, and held it out against him. (2)

The Self-consciousness of *Brus* helping him to an easy Solution of the Meaning of these Hieroglyphical Presents, he immediately order'd three Horses to be shod backwards, to prevent being traced in the Snow, which was then lying upon the Ground, and with two Servants set out that Night for *Scotland*.

In Seven Winter Days he reached his Castle of *Lochmaban*, where he found his Brother *Edward Brus*, and three or four select Friends, to whom having related his Danger, and consulted their Advice, it was resolved to go together to find out *Comyn*.

In their way, they happened to discover a new Proof of his Treachery, by meeting a Servant of his, who, (upon

(2) *Ber. 217. Aberc. 58.*

Exa-

Examination) they found was going with Letters to the King of *England*, which they seized ; and hearing by the same Means, that *Comyn* was in the Church of the *Friers Minors* at *Dumfries*, thither they hasted.

Brus having enter'd the Church singly, reproached *Comyn* with his repeated Treacheries ; whereupon high Words arising, *Brus* stabbed him upon the spot, and leaving him for dead, went out of the Church, preparing to take Horse, when *James Lindsay* and *Roger Kilpatrick*, two of his Friends, observing some Emotion in his Countenance, and asking what he ail'd, he told them what he had done, and that he believed *Comyn* was dead. Upon which *Lindsay*, with some Indignation observing, that such Work was not to be done by Halves, went into the Church, and finding *Comyn* in some Hopes of Recovery, took care to make an effectual Conclusion.

This was one of those Blows of State which are generally excused by the Great Plea of Necessity. Not only his future Hopes, but the Safety of his Life depended upon it. He look'd upon *Comyn* as a Traytor, and was in a Land where having Right to the Sovereignty, he thought himself impower'd to execute Justice. Queen *Christina* of *Sweden*, and

our *Charles* the Second, in the last Age, did not scruple to do the like, tho' not by their own Hands, in Countries where they were in the Condition of Subjects, she in *France*, and he in *Cologne*; his Title disallowed at home, and hers totally annulled by a voluntary Abdication, and both with less Necessity and lower Provocations, than those by which *Brus* was urged to this Action.

After the Dispatch of *Comyn*, he went with what Friends he could rendezvous, to the Castle of *Dumfries*, where *K. Edward's* Justices were then sitting, who with their Attendants surrendered at Mercy. Whereupon he generously gave them Safe-conducts to convey them out of the Kingdom.

This Execution was on the 29th of *January*, as some say, or according to others, upon the 10th of *February*, in the beginning of the Year 1306. But I wonder any of the *Scottish* Writers should say, (a) that about the same time *Wallace* was taken, his Head having been separated from his mangled Limbs above five Months before.

Brus had now pass'd the *Rubicon*, and having no way left to retreat with Safety, he attempted to go on with Honour, and by the Assistance of his few

(a) Scot.

Friends,

Friends, with a great Number of the meaner sort, was crowned at *Scone* the 25th, and again with more Ceremony the 27th of *March* next following. But his Crown, for some time, proved no better than a Crown of Thorns: For altho' he and his small Band acted with incredible Vigour and Resolution, to the Wonder even of their Enemies; yet by the stronger Force of the *English*, and the united Vengeance of the numerous and powerful Family of the *Comyns*, he was so much overmatched, and in his Designs so often defeated, that he was hunted from Place to Place, and forced to lurk in Holes and Corners under all the Extremities of Danger, Hardship, and Want, even of the common Necessaries of Life.

But being then in the 32d Year of his Age, in his full Strength of Mind and Body, of a Constitution and Courage, able to brave these Fatigues and Misfortunes, by such a Man they might have been easily undergone; but the Loss and Misfortunes of dear Friends and Relations wound the Soul so deep, and his Afflictions of this Kind were so near and numerous, that it is wonderful how any Man capable of the slightest Impressions of Good-nature, should be enabled to go through them,

Edward being now advanced to those Years when Reason in most Men growing weak, the Passions are more apt to predominate, his natural Savageness and Inhumanity were exercised without Mercy and Distinction not only upon all those who were taken in Arms, but upon Surrender, and the greater Part of them butcher'd and mangled in that barbarous manner of which he himself had the Honour to be the Inventor, and which was first by him put in Practice upon *David Prince of Wales*; (b) but in some ill Times since has been too often used in Case of Treason, or pretended Treason.

In this manner King *Robert*, in his first Year had the Misfortune to lose not only his three youngest Brothers, slipp'd in the early Bud of their Youth, and all those were taken with them, murder'd in like manner, but his Brother-in-Law Sir *Christopher Seaton*, and his dear Friends Sir *Simon Frazer*, the Earl of *Arbuthnot*, and several others, whose Names remain in History, not to mention those who, by Order of the *English* Generals, were murdered in cold Blood, after the Battle of *Morbeth*, nor several others.

It was no small Addition to these Sorrows, that his Wife and Daughter, and two of his Sisters, the Lady *Seaton* and

(b) *Tyrrel* Tom. 3. f. 47.

Lady

Lady Campbell, with the Countess of Buchan, who set the Crown upon his Head, the Bishops of Saint Andrews and Glasgow, and many others of his Friends, were under Confinement in the Hands of his Enemies.

All these he must look upon as Sufferers for his Cause, to the great Aggravation of his Calamities. These were Trials hardly to be supported by the strongest Heart. So that he had Reason to say, as in two Verses which remain of his Composure, that for the Empire of the World he would not undergo what he was moved to for the sake of the ancient Freedom of his Country. (c)

Ni me Scotorum Libertas prisca moveret,

Non tantum paterer Orbis ob Imperium.

Had Edward observed from the Roman History, by what Lenity and Mildness, that gallant People extended and secured their Conquests, that when the Heat of War was over, the People of the submitting Nations were rendered the happier by enjoying the Privileges of Roman Citizens, together with their Native Rights and Liberties; had he acted thus, and not suffered his Passion and Revenge to get the better of his

(c) Mackenzie Tom. i. f. 268.

Policy, he might have enjoyed his usurped Superiority in what Shape he pleased, and a happy Union of the two Kingdoms might have been accomplish'd about 400 Years before the glorious Reign of our late excellent Queen *Anne*.

But *Edward* resolved, that those who dared to oppose him should either die or live in Want and Slavery, which the others were as heartily resolved to prevent, if possible; and so prevalent was Self-defence against an usurping Tyranny, that within a Year after these Misfortunes of King *Robert* and his Friends, he was able in two successive Engagements to defeat two of *Edward's* Generals, *Valence* Earl of *Pembroke*, and *Ralph Montbhermer*, after which he proceeded with most admirable Constancy and Resolution, till he accomplished the Deliverance of his Country from the Servitude and Oppression of a foreign Yoke, seated himself on a peaceful Throne, and obliged a haughty Enemy by publick Treaties to acknowledge *Scotland* a Free and Independent Kingdom.

But it ought not to be forgot, that soon after the Defeat of *Valence* and *Montbhermer*, *Edward*, big with Resentment and Revenge, was once more preparing to over-run the Kingdom of *Scotland*, when it pleased God to stop his Carrier

at

at a small Town called *Burgh* upon the Sands near the Borders of the two Kingdoms.

Every successful Monarch is crowned with Laurels by our Historians; but if Courage and Cunning, without Virtue and Honour, may deserve Praise, who knows what *Turpin* who now infests the Road may merit if he escapes the Gallows? The Invasion of *Edward* both upon *Wales* and *Scotland* (if God is just) are no more justifiable than Robberies upon the High-way. What can be said then in Excuse of the abominable Cruelties which ensued. I cannot have so much Faith as to believe that they were executed by any heavenly Commission; and if I allow to that Prince the Courage of a Lion, I must at the same time charge him with the fly, dishonest Subtilty of a Fox, and the Voraciousness and Cruelty of a Wolf.

Having now seen the glorious King *Robert* the First of *Scotland*, through numberless Difficulties and Dangers, hardly superable by any one but himself, happily seated on a rightful Throne, for which he was not less obliged to *Edward's* Schemes of Force and Terror, than to his own Virtue and Title; I shall prepare to take my Audience of Leave, observing only that the Contrasts of his
good

good and bad Fortune, like Lights and Shadows in his Picture, add to its Strength and Beauty, and in whatever Point of Sight it is viewed, he still appears the same Great Man.

This Justice I have been the more inclinable to do to his Memory, because from *Marjory* his Daughter, married to *Walter*, Hereditary High Steward of *Scotland*, who was descended from the ancient Blood Royal of that Kingdom, is derived the Royal, but much abused, misrepresented Family of the *Stewarts*. I believe, Sir, you will now think it high time that I should draw to a Conclusion of this tedious Epistle: But before I go hence to be seen no more on these entangled Subjects, as I have taken some Liberty in observing the Mistakes of other Men, I shall be as ready to acknowledge my own. I observe two especially in the printed Copy of my last, (*a*) one of which is, that the Estate of the *Clare* Family was increased by an Accession of the Estate of the Earl of *Gloucester*, and half the Estate of the Family of *Mareschall* and *Pembroke*; instead of which last, I should have said, half the Fee of *Giffard*, and a Fourth Part of the Estate of *Mareschall*, &c.

(*a*) F. 52.

Also

Also in the Page next before that, it is said, that Earl *Richard* of *Gloucester* lived 14 Years after the First Marriage of his Son *Gilbert*; whereas he died in the Year 1262, (e) which was but Nine Years after that Marriage. I am sure both these stood right in my First Notes; but whether these Mistakes slipped in by my own over-looking, or the Printer's over Haste, I cannot say; but in either case they ought to be rectified.

I was likewise then under some Doubt whether that first Marriage of Earl *Gilbert* the Red with *Alice* the Daughter of *Guy* Earl of *Angoulesme*, who was then a Child *tenerrima etatis*, (f) falsely said by *Brook* to be Widow of *John* Earl *Warren* and *Surrey*, was ever consummated; because I had then found no Account of any Issue from it. I saw none in the *Baronage*, nor in any of the old Histories which I had looked into; and the whole Estate of *Gilbert* was said to be settled on the Issue of the second Venter Daughter of *K. Ed. 1.* (g)

Ralph Brook indeed named a Daughter *Isabel*, born in the First Bed, and afterwards married to *Maurice* *Ld. Berkeley*; (h) but for this he was reprehended by his Corrector *Vincent*. (i) However,

(e) *F. 51.* (f) *Vincent, 223.* (g) *Bar. 215.*
(h) *Vinc. 123, 223.* (i) *Id. 136.*

I am

I am now inclined to that Opinion, into which I am led by the following Charter.

(k) *Omnibus Christi fidelibus, &c.* Isabella de Clare Domina de Berklee, salutem. Inspexi Cartam Matildæ Comitissæ de Clare factam Monialibus de Godestowe in his verbis. Sciant presentes & futuri, quod ego Matilda Comitissa de Clare filia Jacobi de Sancto Hilario, Dedi in perpetuam Elemosinam pro animabus patris & matris meæ, & pro anima Dom. mei Rogeri Comitis de Clare, Sanctimonialibus de Godestowe unam Marcam argenti, &c. Hij sunt Testes, Johannes de Clare, Robertus de Braybroke, & alii. Quam quidem Cartam Confirmamus & Ratificamus prædictis Monialibus & Successoribus suis ad totam vitam nostram in forma supradicta. In cujus rei Testimonium, huic Scripto Sigillum meum est appensum. Data apud Schipton, &c. (l) Anno Regine Regis Edwardi post Conquestum Tertii, secundo.

I have transcribed this Charter as it lies in the *Monasticon*, because I suspect it has suffered under the slubbering hand of the Compiler of that Work, to which I doubt we are beholden for the thrice-repeated &c. by two of which especially, for want of the *Habendum* in the first

(k) *Mon. 2. 834.*

(l) *Sic. Sic.*

Grant,

Grant, and Defect in the Date of the second, they are both sensibly maimed; yet how that learned Compiler, notwithstanding the Perpetual Alms, and *Isabel's* Confirmation for Life, should take the Gift as a single Charity, without any annual Continuance, as he seems to have done in his *Baronage*, (m) would be strange in any one but him.

The Charter of Confirmation being dated in the second Year of *Edward 3d*, which was 1328, I cannot find any other *Isabel of Clare*, who could probably be then living; and that she was married to *Maurice Lord Berkley*, may (I think) be safely allowed. For as to the Correction made by *Vincent*, (n) that *Isabel* the Wife of *Maurice Lord Berkley*, was natural Daughter to *Richard Earl of Cornwall*, because *K. Hen. the 3d*, in a Grant for her Subsistence, calls her his beloved Niece, which *Lady Berkley*, others say was Sister's Daughter to *William de Valence*, (o) to whom the King might as well apply the Title of his beloved Niece, her Mother being his uterine Sister, whether she was one or the other, is of no Concern to the present Question, our *Isabel of Clare* coming long after her in time, and being the second Wife of a later *Maurice Lord Berkley*, who

(m) Bar. 211.

(n) Vinc. 136.

(o) Bar. 253.

was

was Grandson to the Husband of the former *Isabel*, and died a Prisoner in *Wallingford Castle*, in the 19th of *Edward 2d* (1326.) This *Dugdale* says (p) and his Evidence being corroborated by old *Brook*, and confirmed by this Charter, I am willing to give more Credit to it, than I should venture to stake upon his Single Reputation.

But as to the cause of the Divorce of *Alice* the first Wife of *Earl Gilbert of Clare*, from her Husband, after 20 Years Marriage, which *Brook* says, (q) was because she fell into a Lunacy, and others say because she attempted to poison him; (r) What Authority there is for either of these Reasons, or how far either of them was sufficient to dissolve the Band of Matrimony, must be left to those who are better able to determine.

And here I cannot but regret the great Want of Dates running thro' the greatest Part of the Charters, Confirmations, and other Instruments copied in the Volumes of the *Monasticon*, even in the Times when those Tests were in general Use, by which Defects the Truths of History cannot be confirmed, Doubts resolved, or Errors, Falsties, and Forgeries detected; Dates being, since a Multiplicity

(p) *Bar.* 355. *Walsingham.* (q) *Wincent.* 229

(r) *Mills.* 373.

of Witnesses, grew out of Practice, the chief, if not the only, Touchstones of the Validity of those Instruments and their Relatives.

I have also great Reason to suspect that many of the Dates inserted are erroneous and incorrect, of which I shall now only produce one Instance in the Family which I have here made my chief Concern. (s) And that is in a Licence granted by the Lady *Elizabeth de Burgo* to the Monks of *Anglesey* to elect their own Prior; which Licence is dated (r) *die 1333 2 1 Edward 2di proxima post Festum Sti. Mathei Apostoli, A. D. 1333 1 Edward 2di*, besides a visible Blunder which may be laid to the Charge of the Printer or Corrector, and may be mended by deleting the two first Dates of the Year.) Here is either an Inaccuracy in the Transcriber, or a Forgery in the Original; for if the Year of our Lord be right, it will not agree with any Year of K. *Ed. 2di*, nor with the first of his Son: And if the Year of the King be right, the Lady was not then capable of giving any such Authority, being both under Age, and under Coverture. (u) The Compiler says the original Instrument is in the *Office of Arms*, which makes this deformed Blot the more unpardon-

(r) *Mon. 2. 258.* (s) *Sir.* (u) *Ibid.* able,

able, when he might so easily have cleared it.

Next after this Charter of Licence follows in that Book a Grant of the same Lady to the Monks of *Anglesey*, of a Rent-charge of Twenty Pounds yearly, for the Maintenance of two Chaplains, to perform daily Devotions there for her Soul, and for the Souls of her Ancestors, and her Heirs, and of all the faithful deceased. This (which the Compiler says is transcribed from an original Indenture in the *Augmentation Office*) is dated *Die Sabbati proxima post Festum Sancti Matthæ Apostoli, Anno Regni Regis Ed. 3^{tti}, post Conquestum Sexto*. In which of these Instruments the Holiday has been mistaken by the Transcribers, might have been judged by Comparison, but most probably this followed close at the Heels of the other.

But I have no Design to meddle further with the *Monasticon*. I have been so mired in a very small Part of the *Baronage* (in which I have endeavoured to keep my Road as much as possible) that I shall not wade into any Examination of the other still more voluminous Work, further than as I may be called by particular Occurrents: In which manner I was indeed drawn into these Remarks upon the Book before me,

me, which I shall here break off, leaving the rest to those who have more Leisure, Ability, and Opportunity, there being not one Page in the whole Work but what requires Correction, to make it useful. So that I hope I shall not be justly chargeable with any Want of Charity or good Nature, if I declare my Opinion, that there never was in the Common-wealth of Learning such a Magazine of valuable Materials so maimed and disfigured, so carelessly and injudiciously huddled together, as in *Dugdale's Baronage*.

And here I hoped with Pleasure to have put an End to your Trouble and my own; but the Printer desiring to fill up some spare Room in his Paper, I beg leave to give (a little Light to some Passages in the *Baronage*, where I think it is still wanting.

I have several times, in this Letter, taken Notice of the indiscriminate Use made by the Author of that Book, (*) of the Appellation of *Teutonicus*, with the Surnames of *Ties* and *Teyes*; altho' I could see no Reason or Authority for this, yet I was apt to think it could not be so often done without some Foundation, which lay too deep for my Reach. I found in *M. Paris* the Name of *Waleran* the *German*, several times repeated, with

(*) F. 113, 122, 127, 129.

no other Addition but *Teutonicus*, only in f. 290. *Walerannus* genere *Teutonicus*, which to me seem'd to point from whence he had that Denomination.

Likewise in a Patent of *Ed. 1.* (already mentioned) he is called *Walerandus Teutonicus*. (y) So that in these printed Authorities, I could not discover how he should come by the Surnames of *Ties* and *Tey*. Therefore, to enquire further, I ventured (tho' an utter Stranger) to offer a Request to Mr. *Holmes* Keeper of the Records in the *Tower*, which was favoured by that Gentleman in a most obliging manner, whereby I find, that whereas *Dugdale* (z) vouches a Record to prove that the Castle of *Flamsted* was given to *Waleran Tey*, his Voucher (a) has no such Man; but stands thus --- *Dominus Rex commisit Walrando Theuton. Manerium de Flamsted quod fuit Rad. de Thony*. So that besides the Misnomer, it may be observed that this Grant was only of a Custody which was undistinguished by the *Baronagian*.

He has also adopted another *Teutonic*, named *Everard*, into the Family of *Ties* (b) and has married him to the Daughter of *John le Viscount*, for which he cites

(y) *Prynne Hist. Tom. 3. 414.* (z) *Bar. 470.*
(a) *Clauſ. Anno 18. Johannis, M. 3.* (b) *Bar. 643.*

another Record, (c) whereof the Words are as follow. ----- *Ameta uxor Everard. Teutonic. fuit filia prædicti Johannis le Viscunte, & hæres ejus propinquior.* Nor does the Record of *Everard's* Homage give him any other Name ---- *Rex cepit homagium Eborardi Teutonici qui duxit in uxorem Rametam filiam & hæredem Johannis le Viscont.* (d)

What can be said after this? Surely, if either the Name of *Ties* or *Tey*s (for they are very different) were a proper Translation of the Word *Teutonicus*, then *e converso*, we should find those Names *Teutonized*, when we meet with them in *Latin* Records. I beg you will accept of some Account of what I have found relating to those Families, in which I shall be as brief as I am able.

To begin with the most ancient, we find one *Richard* supra *Teysam*, or *sur Teyes*, so called from the Settlement of his Ancestors upon the Banks of the River *Teyse*, by which *Cumberland* is divided from the *Bishoprick* of *Durham*, from whence he was transplanted to the Barony of *Gossford* in *Northumberland*, where he lived in great Splendor in the time of King *Henry 1.* (e) tho' he has not been worthy of a Place in the *Baronage*.

(c) *Esc.* 29. *H. 3.* No 45.
M. 2.

(d) *Claus.* 29. *H. 3.*

(e) *Cambden in Northumb.*

There was afterwards one *Randolfe de Teyfa* (the Particle before the Name being then changed) he paid a Fine of two Merks to the King in the 30th of *Hen. 2.* for being restored to his Lands in that County, which he held of the Honour of *Vesey*, then in the Crown, during the Minority of *Eustace de Vesey*, after the Death of *William* his Father. (f)

Long after this, in 27 *Edw. 1.* (g) there was at his Court, one *Walter Teis*. He served in *Scotland* that Year, and made two or three Campaigns there afterwards, in the latter End of that Reign. (h)

His Name also occurs in a general Roll of Proffers of Knights Service taken at *Twedemouth* before *Bartholomew de Badlesmere*, Deputy Constable of *England*, and *Nicholas de Segrave* Mareschal. (i) I am very sorry to find Mr. *Maddox*, who has given us a Copy or Abstract of this Muster-Roll) so positive, that it was made in the 4th of *Ed. 1.* at which time *Badlesmere* was hardly out of his Cradle, and *Roger Bigod* was Mareschal, which Office was not conferr'd upon *Segrave* till the first Year of *Ed. 2d.* Nor were many of those named in the Rolls capable of acting in the 4th of *Ed. 1.* of which I

(f) *Bar. Ang.* 74. (g) *Madd. Exchequer*, 456.
(h) *Bar. 2.* 21. (i) *Bar. Ang.* 213.

shall only instance one for all, which is *Peter de Gavaston*, who there proffer'd the Service of Three Knights for the Earldom of *Cornwal*.

All this might be Oversight, but when the Author unjustly takes this Earl to task for concealing Part of his Service, (k) when his Grant of the Earldom and several other Possessions, in the first Year of his Master's unhappy Reign, was to Hold by the Service of three Knights Fees, (l) 'tis strange that *Peter* did not stare him in the Face, and rouse him out of his Dream.

For my part, I can fix no Date for this Muster, but in the 4th of *Edward 2*. Then *Walter Ties* might make his Proffer for the third Part of a Knight's Fee of the Barony of *Bedford*. The Marks of his Extraction are worn out by Time; but he married *Isabel de Steyngrene* (m) Daughter of *John de Steyngrene* and *Ida* his Wife, one of the Coheirs of *Joan de Beauchampe*, Heiress to the last Baron *Bedford*, whereby she was admitted to a Share of that Barony upon a Partition made about two Years after the imaginary Date of the Muster.

Whether her Daughter *Isabel* was then born, or not, is uncertain, but she could not be married in several Years

(k) Bar. 216. (l) Rymer To. 3. (m) Bar. 224.

after,

after, when a Part of that Barony might descend to her Husband in her Right. But their Bed seems to have been fruitless; for, at his Death, in 18 *Edw. 2.* *Margaret*, the Daughter of his Brother *Roger le Ties*, was found his next Heir. (n)

This Race being done with, I shall hasten to some of a different Name, and without question a different Family; and here I must gratefully acknowledge a further Obligation to Mr. *Holmes* for the Notice of one *Everard le Tyeis*, who was Constable of the Castle of *Alnwick*, before it was deliver'd by the Royal Mandate in the 10th of K. *Henry 3d.* to *William* Son and Heir of *Eustace de Vescy* who was to marry a Daughter of *William Longespee* Earl of *Salisbury*. (o)

That a West-Country-man should be employed on the Borders of *Scotland*, is no great Wonder; but such he seems to have been: For in the County of *Cornwal* we are told of one *Henry de Tyeis* who was Lord of *Alwarton* and *Trewarnail*, called by *Dugdale*, *Allerton* and *Sywarnell*. (p) He had a Grant from *Richard* Earl of *Cornwal* in the time of *Hen. 3.* of the Manor of *Shireborne* in *Oxfordshire*, and in the next Reign had several Marks of Favour from the Crown;

(n) *Ibid.* 2. 21.

(o) *Pat.* 10. *H. 3.* *M.* 5.

(p) *Bar.* 2. 21.

but

but dying in the first of *Edward 2.* he was succeeded by his Son *Henry de Tyeis*, who served that King several Years with seeming Fidelity, but at length joining in the Rebellion of the Earl of *Lancaster*, and the Earl with a great Number of his Followers being taken Prisoners at *Burrowbridge*, several of them were pick'd out for Examples, among which were the Earl himself, *Bartholomew de Badlesmere*, the Deputy Constable, this *Henry Tyeis*, and *Warine de l'Isle*, who married *Alice* his Sister and Heir. The Earl lost his Head at *Pomfret*, *Warine* was hanged there, *Badlesmere* at *Canterbury*, and *Henry de Tyeis* at *London*.

Such was the fatal Period of this Family, who have been constantly robbed by the *Baronagian* of one Letter of their Names. Now, if any of these Persons could be found by the Name of *Teutonicus*, some of them, besides what is contained in the Vouchers above being named in several Records printed by *Rymer* and *Maddox*, I might with Difficulty be persuaded to think, that *Teutonicus* might be synonymous with some of them; but as the contrary of this always appears, I must continue to think that the *Baronagian* hath not only in a most gross and absurd manner abused his Author *M. Paris*, but notoriously falsified the Records

words produced to support himself and his Assertions upon these, as well as many other Occasions; and so I shall take my Leave of him, but still continue to be,

SIR, &c.

P. S. As it is next to impossible, in these intricate and thorny Ways, always to keep a direct Course, I shall be obliged to the Hand which points wheresoever I have erred.



ERRATA.

PAG. 25. Line 7. for *peliar* r. *peculiar*. P. 49.
 l. 13. for *Henry V.* r. *Henry 3.* P. 52. l.
 14. for *1114.* r. *1314.* P. 110. l. 14. for *these*
 r. *those*. P. 161. l. 19. for *this* r. *His*. P. 245.
 for *Ties* r. *Tcis*. P. 246. l. 6. the like.

These are the Errors of the Printer; but I doubt there may be some of my own which stand more in need of Correction, of which having yet found only one, I shall endeavour to rectify it here before the Book goes too far out of my Hands.

It is said in *fol. 153.* That *Roger Earl of Norfolk* succeeded to the Office of *Mareschal* after the Death of his Mother *Anno 1248.* *Dugdale* had proved from a Record (a) that she was invested in that Office, *An. 30. H. 3. (1246.)* It appeared by her Grant to the Nuns of *Thetford*, that she used the Stile of *Mareschal*, and finding nothing to the contrary, I concluded she held it to her Death.

But this was too hasty a Conclusion; for I have since found, that in the 31. of *H. 3. (1247.)* she committed the *Mareschal's* Rod to the Earl with the King's Licence; that his Writ to the Exchequer

(a) *Bar. 77. Claus. 30. H. 3 m. 5. 7.*

for his Appointments, and the Admission
of his Deputy was recorded as of *Michaelmas Term* in that Year, was allowed
in that Court the 4th of *February* next
following, and his Deputy *John de Ne-*
wile Clerk then admitted. (b)

By this it seems to me, that his Mother
held the Office about a Year and half from
the beginning of the Year 1246, till after
Michaelmas 1247, when the Infirmities
of old Age might induce her to resign,
in order to a better Preparation for her
End, which happen'd in the Year next
following. But what can be urged in
Excuse for the Author of the *Baronage*,
who has solemnly put the *Mareschal's*
Rod into her Hands in the Year of her
Death, when she had before resigned it?
And to prove this solemn Falshood, abu-
ses the Record which he had cited be-
fore to a contrary Purpose, forcing the
dead Letter to contradict itself, and im-
pose Contradictions on the Faith of his
Readers. (c)

(b) *Hist. Exchequer* 726.

(c) *Bar.* 77. 134.

